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A Collection of the Acts passed by the governor general of India in council in the year 1867

A = Govt. of India

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India Council Acts 1867.

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IMPERIAL ACTS.

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ACT No. I OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the* 18*th January* 1867.)

An Act to authorize the levy of tolls for the improvement of the navigation of the Ganges.

Preamble

Whereas it is expedient to authorize the levy of tolls on certain steamers, flats and boats plying on the River Ganges, to be applied for the improvement of the navigation of the said river between Allahabad and Dinapore; It is hereby enacted as follows:—

Interpretation Clause

1. In construing this Act—

"Lieutenant-Governor."

"Lieutenant-Governor" shall mean the Lieutenant-Governor of the North-Western Provinces of the Presidency of Fort William.

"Master."

"Master" shall include every person (except a pilot) having command or charge of any steamer, flat or boat; and

"Magistrate"

"Magistrate" shall include any person exercising any of the powers of a Magistrate.

Toll not exceeding 12 Annas per hundred maunds chargeable on vessels ascending or descending Ganges

2. A toll not exceeding twelve Annas per hundred maunds shall be payable at such place or at one of such places subject to the Government of the Lieutenant-Governor as he shall from time to time direct, in respect of every steamer, flat and boat of the burden of two hundred maunds and upwards, which shall pass up or down the Ganges by such place or any one of such places.

[PRICE 1 ANNA AND 8 PIES.]

places. Provided that toll shall be levied in the case of steamers only on sixty-five per cent. of the burden, and in the case of flats only on ninety per cent. of the burden.

Rules for measurement of burden.

3. The burden of steamers and flats liable to pay tolls under this Act shall be determined according to the method which may from time to time be practised by the Master Attendant at Calcutta in order to ascertain the amount of port dues which such steamers and flats would be liable to pay on arriving within the limits of the port of Calcutta. The following method shall be used for determining in maunds, according to actual floatage or displacement, the burden of boats liable to pay tolls under this Act; (that is to say), half the length in feet at the water-level of the boat, shall be multiplied by the greatest width in feet at the water-level, and the product shall further be multiplied by the draft of water in feet, and the number so found shall be taken to be the burden in maunds. Thereupon the toll shall be calculated according to the even hundreds of maunds, fractions of a hundred being neglected.

Application of funds raised under this Act.

4. The funds raised by the tolls payable under this Act shall be applicable, at the discretion of the Lieutenant-Governor, to defray the expenses of improving and facilitating the navigation of the Ganges between Allahabad and Dinapore.

Appointment of Collector of tolls.

5. The Lieutenant-Governor may appoint any person he may think fit to collect the tolls payable under this Act at any place or places under his Government, and may from time to time remove any such person and appoint another person in his stead.

List of tolls.

6. Sections 2 and 3 of this Act, and a list of the rates of toll and of the place or places of collecting the toll leviable under this Act, shall be at all times exhibited at such place or places in the English and Urdú languages, and shall also be published thrice in the local *Gazette*.

Tolls to be paid to proper officer, who shall give a voucher for the same.

7. Every person so appointed shall collect the tolls leviable under this Act by himself, or by any officer in his establishment (if any) whom he shall appoint in this behalf. The officer to whom any such toll shall be paid shall grant to the person paying the same a voucher in writing under his hand, describing the name of his office and the place at which such payment shall be made, the name (if any,

any), burden and other proper description of the steamer, flat or boat, and the voyage in respect of which such toll shall be paid.

Payment of tolls how to be enforced.

8. If any toll leviable under this Act in respect of any steamer, flat or boat, shall not be paid on demand to the person authorized to collect the same, it shall be lawful for such person to seize such steamer, flat or boat, and any furniture thereof, and to detain the same; and such person shall, within twenty-four hours of such seizure and detention, report the same to the nearest Collector or Deputy Collector of the District in which the seizure has been made, or other public officer duly authorized by the Lieutenant-Governor in this behalf. On receipt of such report, the Collector, Deputy Collector or other officer as aforesaid shall publish a notice appointing a day for the sale of the said steamer, flat or boat and any furniture thereof. The sale shall be held at some period not less than fifteen days from the date of the publication of notice of sale. If the toll and also any expenses occasioned by non-payment be not paid, or sufficient cause for non-payment be not shown, at or before the time of sale, to the Collector, Deputy Collector, or other officer as aforesaid, such officer shall sell the steamer, flat or boat and furniture seized, or so much thereof as may be necessary to pay the toll, and also any expenses occasioned by non-payment. So much of the property seized as may not have been sold, and so much of the sale-proceeds as may be in excess of the sum necessary for satisfying the toll and for defraying the expenses occasioned by non-payment, shall be returned to the master of the steamer, flat or boat.

Power to sue for recovery of tolls.

9. Notwithstanding anything in this Act contained, the person authorized to collect the tolls payable under this Act at any such place as last aforesaid, may, in his own name, sue for and recover, on behalf of the Government of India, the amount of any tolls payable to him under this Act, by suit in any of the Civil Courts against the owner or master of any steamer, flat or boat liable thereto.

Ascertainment by Toll Collector of burden of steamer, flat or boat.

10. Upon the refusal or neglect of any owner or master of any steamer, flat or boat liable to pay toll under this Act, to satisfy the person authorized to collect such toll as to what is the true burden, as ascertained under Section 3 of this Act, of the steamer, flat or boat, it shall be lawful for such person to cause such steamer flat or boat to be measured at the expense of the master thereof, and such expense shall be recoverable in the same manner as tolls payable under this Act; or it shall be lawful for such person to deliver to the master or owner of such steamer, flat or boat, or to leave for him on board such steamer, flat or boat, a notice in writing specifying

specifying what, in his judgment, is the burden of the steamer, flat or boat, and the burden specified in such notice shall be deemed to be the real burden of the steamer, flat or boat, and be treated as such for all the purposes of this Act, until the owner or master of the steamer, flat or boat, shall give sufficient proof of the true burden thereof, as ascertained under Section 3 of this Act.

Evading payment of tolls.

11. The master of any steamer, flat or boat which shall depart from, or arrive at, any place as last aforesaid, upon, or in the course of, or at the termination of any voyage, shall, upon demand by any person authorized to collect or receive the tolls under this Act, specify whence he is come and whither he is bound. If any master of any such steamer, flat or boat, shall refuse or neglect so to do, or shall make a false statement as to the place from which he is come or to which he is bound, or shall endeavour to evade the payment of any toll payable under this Act, he shall be punishable by a Magistrate by a fine not exceeding two hundred Rupees.

Magistrate to decide disputes respecting tolls.

12. If any dispute shall arise respecting the liability of any steamer, flat or boat, to the payment of toll under this Act, or in respect of the burden of any steamer, flat or boat, or the amount of toll payable, or the amount of any charges on account of any sale under this Act, such dispute shall be heard and determined by a Magistrate, and the decision of such Magistrate shall be final.

Lieutenant Governor may alter tolls.

13. The Lieutenant Governor may, from time to time as he may think fit, reduce all or any of the tolls payable under this Act, in respect of all vessels or of any particular class or classes of vessels, and again raise such tolls to any amount not exceeding the amount hereinbefore specified. He may also prescribe a mode or modes of measurement for burden differing from those prescribed in Section 3 of this Act; provided that the tolls payable under such new mode or modes of measurement shall not exceed the amount specified as aforesaid.

Power to prohibit construction of bandhels.

14. Whenever, in the opinion of such officer as the Lieutenant-Governor shall appoint in this behalf, the construction of any bándhél or other contrivance for fishing or for any other purpose, in any part of the Ganges between Allahabad and Dinapore, is likely to cause obstruction to the free and safe navigation of such part, he may by notice in writing, to be served on the owner or person in charge of such bándhél or other contrivance, or, if such owner or other person cannot be found, to be affixed at some conspicuous place in the nearest village, prohibit the construction of such bándhél or other contrivance.

15. Any

15. Any person who shall wilfully disobey any prohibition under the last preceding Section, or shall wilfully cause or aid in causing any obstruction to the navigation of the Ganges between Allahabad and Dinapore, or who shall wilfully omit to remove such obstruction after being lawfully required so to do, shall be punished on conviction before a Magistrate with simple imprisonment which may extend to one month, or with fine which may extend to fifty Rupees, or with both, and shall also be liable to pay such fine as may be sufficient to meet all reasonable expenses incurred in abating or removing such obstruction or in repairing such damage.

Penalty for causing obstruction to navigation.

16. It shall be lawful for the Lieutenant-Governor from time to time to make rules not repugnant to any law in force, and to repeal, alter and amend such rules, for the management of the navigation of any part of the Ganges between Allahabad and Dinapore, and for regulating the conduct of persons employed for any of the purposes of this Act; and the Lieutenant-Governor may affix fines as penalties for the infringement of such rules, not exceeding fifty Rupees for any one infringement, or five Rupees a day for any continuing infringement.

Rules relating to navigation.

Such rules may contain directions for any of the following amongst other matters :—

(*a*). For fixing the number and the width of steamers, flats and boats to be allowed to pass into or out of or through any part of the Ganges between Allahabad and Dinapore, at one time or abreast;

(*b*). For determining the length of time during which steamers, flats or boats may remain stationary on such part, and the amount of demurrage to be paid by steamers, flats or boats remaining stationary beyond such time;

(*c*). For regulating the mode in which and the place or places at which tolls are to be levied under this Act;

(*d*). For the removal of sunken vessels and obstructions;

(*e*.) And for the storing and disposal of the cargo of steamers, flats and boats seized under this Act.

17. All fines imposed under this Act may be recovered in the manner prescribed by the Code of Criminal Procedure, and may be disposed of as the Lieutenant-Governor shall from time to time direct.

Recovery of fines.

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ACT No. II OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 25th January 1867.)

An Act to make further provision for the removal of prisoners.

Preamble.

Whereas it is expedient to authorize the Local Government to remove any prisoner sentenced by a Court established by Royal Charter from the jail in which such prisoner is confined to any other jail, or in the case of a prisoner of unsound mind, to a lunatic asylum, within the territories subject to the same Local Government: and whereas it is also expedient to authorize the Governor General of India in Council to remove any prisoner sentenced by any Court from the jail in which such prisoner is confined to any other jail within British India; It is hereby enacted as follows:—

Local Government may order removal of prisoners sentenced by High Court from one jail to another in the territories subject to the same Government.

1. When any person shall be, or shall have been, sentenced to imprisonment by a Court established by Royal Charter, it shall be lawful for the Local Government to order the removal of such person, during the period prescribed for his or her imprisonment, from the jail or place in which he or she is confined to any other jail or place of imprisonment within the territories subject to the same Local Government.

Lunatic prisoners sentenced by High Court may be removed to asylum by order of Local Government.

2. Whenever it shall appear to the Local Government that any person imprisoned by the sentence of a Court established by Royal Charter, is of unsound mind, such Government, by a warrant which shall set forth the grounds of belief that such prisoner is of unsound mind, may order his or her removal to a lunatic asylum

[PRICE 6 PIES.]

asylum, or other fit place of safe custody, within the territories subject to the same Government, there to be kept and treated as the Local Government shall direct during the remainder of the term of imprisonment ordered by the sentence; or if it shall be certified by a Medical officer that it is necessary for the safety of the prisoner or others that he or she should be detained under medical care or treatment, then until he or she shall be discharged according to law; and when it shall appear to the same Government that such prisoner has become of sound mind, the Local Government, by a warrant directed to the person having charge of the prisoner, shall remand him or her to the prison from which he or she was removed if then still liable to be kept in custody, or if not shall order him or her to be discharged. The provisions of Section 9 of Act XXXVI of 1858 (*relating to lunatic asylums*) shall apply to every person confined in a lunatic asylum under this Section after the expiration of the term of imprisonment to which he or she shall have been sentenced; and the time during which he or she shall have been so confined shall be reckoned as part of such term.

Governor General in Council may order removal of Prisoners sentenced by any Court from one Jail to another in British India.

3. When any person shall be, or shall have been, sentenced to imprisonment by any Court, it shall be lawful for the Governor General of India in Council to order the removal of such person during the period prescribed for his or her imprisonment, from the jail or place in which he or she is confined to any other jail or place of imprisonment in the territories which are or may become vested in Her Majesty or Her successors by the Statute 21 & 22 Vic., cap. 106 (*An Act for the better Government of India*).

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ACT No. III OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 25th January* 1867.)

An Act to provide for the punishment of public gambling and the keeping of common gaming-houses in the Northestern-W Provinces of the Presidency of Fort William, and in the Panjab, Oudh, the Central Provinces, and British Burmah.

Preamble.

Whereas it is expedient to make provision for the punishment of public gaming and the keeping of common gaming-houses in the territories respectively subject to the Governments of the Lieutenant-Governor of the North-Western Provinces of the Presidency of Fort William, of the Lieutenant-Governor of the Panjab, and to the administrations of the Chief Commissioner of Oudh, of the Chief Commissioner of the Central Provinces, and of the Chief Commissioner of British Burmah; It is hereby enacted as follows :—

Interpretation Clause "Lieutenant Governor."

1. In this Act—"Lieutenant-Governor" means the Lieutenant-Governor of the said North-Western Provinces, or the Panjáb, as the case may be:

"Chief Commissioner." "Chief Commissioner" means the Chief Commissioner of Oudh, the Central Provinces, or British Burmah, as the case may be:

"Common gaming-house." "Common gaming-house" means any house, walled enclosure, room or place in which cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such house, enclosure, room or place, whether by way of charge for the use of the instruments of gaming, or of the house, enclosure, room or place, or otherwise howsoever:

Words.

[PRICE 1 ANNA AND 3 PIES.]

Number

Words in the singular include the plural and *vice versa* and

Gender.

Words denoting the masculine gender include females.

Power to extend Act.

2. Sections 13, 17 and 18 of this Act shall extend to the whole of the said territories; and it shall be competent to the Lieutenant-Governor or the Chief Commissioner, as the case may be, whenever he may think fit, to extend, by a Notification to be published in three successive numbers of the official *Gazette*, all or any of the remaining Sections of this Act to any city, town, suburb, railway station-house and place being not more than three miles distant from any part of such station-house within the territories subject to his Government or Administration, and in such Notification to define for the purposes of this Act, the limits of such city, town, suburb, or station-house, and from time to time to alter the limits so defined. From the date of any such extension, so much of any rule having the force of law which shall be in operation in the territories to which such extension shall have been made, as shall be inconsistent with or repugnant to any Section so extended, shall cease to have effect in such territories.

Penalty for owning or keeping, or having charge of, a gaming-house.

3. Whoever, being the owner or occupier, or having the use, of any house, walled enclosure, room or place, situate within the limits to which this Act applies, opens, keeps or uses the same as a common gaming-house; and whoever, being the owner or occupier of any such house, walled enclosure, room or place as aforesaid, knowingly or wilfully permits the same to be opened, occupied, used or kept by any other person as a common gaming-house; and whoever has the care or management of, or in any manner assists in conducting, the business of any house, walled enclosure, room or place as aforesaid, opened, occupied, used or kept for the purpose aforesaid; and whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, walled enclosure, room or place, shall be liable to a fine not exceeding two hundred Rupees, or to imprisonment of either description, as defined in the Indian Penal Code, for any term not exceeding three months.

Penalty for being found in a gaming-house.

Whoever is found in any such house, walled enclosure, room or place, playing or gaming with cards, dice, counters, money or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake or otherwise, shall be liable to a fine not exceeding one hundred Rupees, or to imprisonment of either description, as defined in the Indian Penal Code, for any term not exceeding one month; and any person found in any common

common gaming-house during any gaming or playing therein shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Power to enter and authorize Police to enter and search.

5. If the Magistrate of a district, or other officer invested with the full powers of a Magistrate, or the District Superintendent of Police, upon credible information, and after such enquiry as he may think necessary, has reason to believe that any house, walled enclosure, room or place, is used as a common gaming-house, he may either himself enter, or by his warrant authorize any officer of Police, not below such rank as the Lieutenant-Governor or Chief Commissioner shall appoint in this behalf, to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, walled enclosure, room or place, and may either himself takec into custody, or authorize such officer to take into custody, all persons whom he or such officer finds therein, whether or not then actually gaming; and may seize or authorize such officer to seize all instruments of gaming, and all monies and securities for money, and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein; and may search or authorize such officer to search all parts of the house, walled enclosure, room or place, which he or such officer shall have so entered, when he or such officer has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he or such officer so takes into custody; and may seize or authorize such officer to seize and take possession of all instruments of gaming found upon such search.

Finding cards, &c., in suspected houses, to be evidence that such houses are common gaming-houses.

6. When any cards, dice, gaming-tables, cloths, boards or other instruments of gaming are found in any house, walled enclosure, room or place, entered or searched under the provisions of the last preceding Section, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, walled enclosure, room or place, is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Magistrate or Police officer, or any of his assistants.

Penalty on persons arrested for giving false names and addresses.

7. If any person found in any common gaming-house, entered by any Magistrate or officer of Police under the provisions of this Act, upon being arrested by any such officer or upon being brought before any Magistrate, on being required by such officer or Magistrate to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address, he may upon

upon conviction before the same or any other Magistrate be adjudged to pay any penalty not exceeding five hundred Rupees, together with such costs as to such Magistrate shall appear reasonable, and on the non-payment of such penalty and costs, or in the first instance, if to such Magistrate it shall seem fit, may be imprisoned for any period not exceeding one month.

On conviction for keeping a gaming-house, instruments of gaming to be destroyed.

8. On conviction of any person for keeping or using any such common gaming-house, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein to be destroyed, and may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof with all monies seized therein to be forfeited; or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

Proof of playing for stakes unnecessary.

9. It shall not be necessary, in order to convict any person of keeping a common gaming-house or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager, or stake.

Magistrate may require any person apprehended to be sworn and give evidence.

10. It shall be lawful for the Magistrate before whom any persons shall be brought, who have been found in any house, walled enclosure, room or place entered under the provisions of this Act, to require any such persons to be examined on oath or solemn affirmation, and give evidence touching any unlawful gaming in such house, walled enclosure, room or place, or touching any act done for the purpose of preventing, obstructing or delaying the entry into such house, walled enclosure, room or place or any part thereof, of any Magistrate or officer authorized as aforesaid. No person so required to be examined as a witness shall be excused from being so examined when brought before such Magistrate as aforesaid, or from being so examined at any subsequent time by or before the same or any other Magistrate, or by or before any Court on any proceeding or trial in any ways relating to such unlawful gaming or any such acts as aforesaid, or from answering any question put to him touching the matters aforesaid, on the ground that his evidence will tend to criminate himself. Any such person so required to be examined as a witness, who refuses to make oath or take affirmation accordingly or to answer any such question as aforesaid, shall be subject to be dealt with in all respects

respects as any person committing the offence described in Section 178 or Section 179 (as the case may be) of the Indian Penal Code.

Witnesses indemnified.

11. Any person who shall have been concerned in gaming contrary ot this Act, and who shall be examined as a witness before a Magistrate on the trial of any person for a breach of any of the provisions of this Act relating to gaming, and who, upon such examination, shall in the opinion of the Magistrate make true and faithful discovery, to the best of his knowledge, of all things as to which he shall be so examined, shall thereupon receive from the said Magistrate a certificate in writing to that effect, and shall be free from all prosecutions under this Act for anything done before that time in respect of such gaming.

Act not to apply to certain games.

12. Nothing in the foregoing provisions of this Act contained, shall be held to apply to any game of mere skill wherever played.

Gaming and setting birds and animals to fight in public streets.

13. A Police officer may apprehend without warrant any person found playing for money or other valuable thing with cards, dice, counters or other instruments of gaming, used in playing any game not being a game of mere skill, in any public street, place or thoroughfare situated within the limits aforesaid, or any person setting any birds or animals to fight in any public street, place or thoroughfare situated within the limits aforesaid, or any person there present aiding and abetting such public fighting of birds and animals. Such person when apprehended shall be brought without delay before a Magistrate, and shall be liable to a fine not exceeding fifty Rupees, or to imprisonment, either simple or rigorous, for any term not exceeding one calendar month; and such Police officer may seize all instruments of gaming found in such public place or on the person of those whom he shall so arrest, and the Magistrate may on conviction of the offender order such instruments to be forthwith destroyed.

Destruction of instruments of gaming found in public streets.

Offences by whom triable.

14. Offences punishable under this Act shall be triable by any Magistrate having jurisdiction in the place where the offence is committed. But such Magistrate shall be restrained within the limits of his jurisdiction under the Code of Criminal Procedure, as to the amount of fine or imprisonment he may inflict.

15. Whoever,

15. Whoever, having been convicted of an offence punishable under Section 3 or Section 4 of this Act, shall again be guilty of any offence punishable under either of such Sections, shall be subject for every such subsequent offence to double the amount of punishment to which he would have been liable for the first commission of an offence of the same description: Provided that he shall not be liable in any case to an fine exceeding six hundred Rupees, or to imprisonmet for a term exceeding one year.

Penalty for subsequent offence.

16. The Magistrate trying the case may direct any portion of any fine which shall be levied under Sections 3 and 4 of this Act, or any part of the monies or proceeds of articles seized and ordered to be forfeited under this Act, to be paid to an informer.

Portion of fine may be paid to informer.

17. All fines imposed under this Act may be recovered in the manner prescribed by Section 61 of the Code of Criminal Procedure, and such fines shall (subject to the provisions contained in the last preceding Section) be applied as the Lieutenant-Governor or Chief Commissioner, as the case may be, shall from time to time direct.

Recovery and application of fines.

18. Anything made punishable by this Act shall be deemed to be an 'offence' within the meaning of the Indian Penal Code.

Offences under this Act to be offences within meaning of Penal Code.

Madras—Printed by H. MORGAN, at the Fort St. George Gazette Press.

ACT No. IV OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 1st February 1867.)

An Act to enlarge the meaning of the word 'offence' in certain Sections of the Indian Penal Code, and for other purposes.

Preamble

Whereas it is expedient to enlarge the meaning of the word 'offence' in certain Sections of the Indian Penal Code so as to make it denote not only anything made punishable by the said Code, but also anything made punishable by any special or local law as therein defined, It is hereby enacted as follows :—

'Offence' in certain Sections of Penal Code to include anything punishable only by a special or local law

1. Sections 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 388, 389 and 445 of the Indian Penal Code shall be construed as if the word 'offence' denoted anything made punishable by the said Code, or by any special or local law as therein defined ; and Sections 141, 176, 177, 201, 202, 212, 216 and 441 of the said Code shall be construed in the same way when the thing made punishable by the special or local law is punishable by such law with imprisonment for a term of six months or upwards, whether with or without fine.

Sections 222 and 223 of Penal Code to apply to commitments to custody.

2. Sections 222 and 223 of the said Code shall be construed as if after the word 'offence' the following words were inserted ; (that is to say), 'or lawfully committed to custody,' and Section 222 of the said Code shall also be construed as if the following words were added to the same Section ; (that is to say), 'or if the person was lawfully committed to custody.'

3. Whoever

[PRICE 6 PIES.]

Punishment for escape by person in custody for failing to furnish security

3 Whoever escapes or attempts to escape from any custody in which he is lawfully detained for failing to furnish any security required under Chapter XIX of the Code of Criminal Procedure, shall be punished with imprisonment of either description as defined in the Indian Penal Code for a term which may extend to one year, or with fine, or with both.

Saving of provisions of special and local laws.

4. Nothing contained in this Act shall be taken to affect any of the provisions of any special or local law

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ACT No. V OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the* 1*st February* 1867.)

An Act to extend the Indian Penal Code to the Straits' Settlement.

Preamble.

Whereas it is expedient to extend, with certain modifications, the provisions of the Indian Penal Code to the Settlement of Prince of Wales' Island, Singapore and Malacca; It is hereby enacted as follows:—

Penal Code to extend to Straits' Settlement from such day as Governor shall appoint.

1. From and after such day as the Governor of the said Settlement shall appoint in this behalf, the provisions of the Indian Penal Code shall, with the modifications hereinafter mentioned, apply to and take effect throughout the said Settlement; and in construing the said Code, two Rupees shall be deemed equivalent to one dollar.

In Straits' Settlement, certain Sections to be construed as if 'offence' included anything made punishable by a special or local law.

2. In applying the said provisions to the said Settlement, Sections 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 388, 389 and 445 of the said Code shall be construed as if the word 'offence' denoted anything made punishable by the same Code or by any special or local law as therein defined; and Sections 141, 176, 177, 201, 202, 212, 216 and 441 of the said Code shall be construed in the same way when the thing made punishable by the special or local law is punishable by such law with imprisonment for six months or upwards, whether with or without fine.

3. Sections

[PRICE 6 PIES.]

3. Sections 222 and 223 of the said Code shall be construed as if after the word 'offence' the following words were inserted; (that is to say), 'or lawfully committed to custody,' and Section 222 of the said Code shall also be construed as if the following words were added to the same Section; (that is to say), 'or if the person was lawfully committed to custody.'

Sections 222 and 223 of Penal Code to apply to commitments to custody.

This Act to be read with the Penal Code.

4. This Act shall be read with and taken as part of the Indian Penal Code.

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ACT No. VI of 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 1st February* 1867.)

An Act to enable the Lieutenant-Governor of the Panjab to alter the limits of existing Districts in any part of the Territories under his Government.

Preamble.

Whereas it is expedient to empower the Lieutenant-Governor of the Panjab to alter the limits of existing districts in the territories under his Government; It is hereby enacted as follows :—

Power to Lieutenant-Governor of the Panjab to alter districts.

1. It shall be lawful for the Lieutenant-Governor of the Panjab by a Notification in the Local *Gazette*, from time to time, to alter the limits of existing districts in any part of the territories under his Government.

Saving of power of Governor General under Act XXI of 1836.

2. Nothing contained in this Act shall affect the power conferred on the Governor General of India in Council by Act No. XXI of 1836.

[PRICE 6 PIES.]

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ACT No. VII OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 1st February 1867.)

An Act to reduce the pecuniary penalty for purchasing from Soldiers arms, ammunition, clothes, and other articles.

Preamble.

Whereas by the Act for punishing mutiny and desertion, and for the better payment of the Army and their quarters, it is enacted as follows:—

Penalty on purchasing soldiers' necessaries, stores, &c.

"Any person who shall knowingly detain, buy, exchange, or receive from any soldier or deserter or any other person acting for or on his behalf, on any pretence whatsoever, or who shall solicit or entice any soldier, or shall be employed by any soldier, knowing him to be such, to sell any arms, ammunition, medals for good conduct or for distinguishment or other service, clothes or military furniture, or any provisions, or any sheets or other articles used in Barracks provided under Barrack regulations, or regimental necessaries, or any article of forage provided for any horses belonging to Her Majesty's service, or who shall have in his or her possession or keeping any such arms, ammunition, medals, clothes, furniture, provisions, spirits, articles, necessaries or forage, and shall not give a satisfactory account how he or she came by the same, or shall change the colour of any clothes as aforesaid, shall forfeit for every such offence any sum not exceeding twenty pounds, together with treble the value of all or any of the several articles of which such offender shall so become or be possessed; and if any person having been so convicted shall afterwards be guilty of any such offence, he shall for every such offence forfeit any sum not exceeding twenty

[PRICE 9 PIES.]

twenty pounds, but not less than five pounds, and the treble value of all or any of the several articles of which such offender shall have so become possessed; and shall in addition to such forfeiture be committed to the Common Gaol or House of Correction, there to be imprisoned, with or without hard labour, for such term, not exceeding six calendar months, as the convicting Justice or Justices shall think fit; and upon any information against any person for a second or any subsequent offence, a copy of the former conviction, certified by the proper officer having the care or custody of such conviction, or any copy of the same proved to be a true copy, shall be sufficient evidence to prove such former conviction; and if any credible person shall prove on oath before a Justice of the Peace, or person exercising like authority according to the laws of the part of Her Majesty's dominions in which the offence shall be committed, a reasonable cause to suspect that any person has in his or her possession, or on his or her premises, any property of the description hereinbefore described, on or with respect to which any such offence shall have been committed, such Justice may grant a warrant to search for such property, as in the case of stolen goods; and if upon such search any such property shall be found, the same shall and may be seized by the officers charged with the execution of such warrant, who shall bring the offender in whose possession the same shall be found before the same or any other Justice of the Peace, to be dealt with according to law: Provided always, that it shall be lawful for the Legislature of any of Her Majesty's foreign dominions, on the recommendation of the officer or officers for the time being administering the Government thereof, but not otherwise, to make provision by law for reducing such pecuniary penalty, if not exceeding twenty pounds, to such amount as may to such Legislature appear to be better adapted to the ability and pecuniary means of Her Majesty's subjects and others inhabiting the same, which reduced penalty shall be sued for and recovered in such and the same manner as the full penalty hereby imposed: Provided also, that it shall be competent to Her Majesty, or to the person or persons administering the Government of any such foreign dominions as aforesaid, to exercise, in respect of the laws so to be passed as aforesaid, all such powers and authorities as are by law vested in Her Majesty or in any such officer or officers as aforesaid in respect of any other law made or enacted by any such Legislature."

And whereas the officers now administering the Government of British India have recommended that the pecuniary penalty aforesaid, if not exceeding twenty pounds, shall be reduced to the amount hereinafter mentioned as being better adapted to the ability and pecuniary means of Her Majesty's subjects and others inhabiting British India; And whereas it is expedient to give effect to such recommendation;—In exercise of the said power for this purpose contained in the said Act and of

of every other power enabling the Governor General of India in Council in this behalf, and on the recommendation aforesaid; It is hereby enacted as follows:—

Reduction of pecuniary penalties provided by Mutiny Act.

1. From and after the passing of this Act, wherever the pecuniary penalty which might have been imposed under the said recited Section if this Act had not been passed shall not exceed twenty pounds or two hundred Rupees, the first part of the said Section shall be read as if for the words "twenty pounds," wherever they occur, the words "fifty Rupees" were substituted, and as if for the words "five pounds," the words "five Rupees" were substituted.

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ACT No. VIII of 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 1st February* 1867.)

An Act to amend the law relating to Horse-racing in India.

Preamble.

Whereas it is expedient to exempt certain transactions connected with horse-racing from the operation of Act No. XXI of 1848 (*for avoiding wagers*); It is hereby enacted as follows :—

Subscriptions or agreements to subscribe to plates, &c., may be lawful notwithstanding Act No. XXI, of 1848.

1. No subscription or contribution, or agreement to subscribe or contribute, made or entered into after the passing of this Act, for or toward any plate, prize, or sum of money, of the value or amount of five hundred Rupees or upwards, to be awarded to the winner or winners of any horse-race, shall be deemed unlawful by reason of any thing contained in the said Act No. XXI, of 1848.

Nothing in this Act to legalize lotteries.

2. Nothing in this Act shall be deemed to legalize any transaction connected with horse-racing to which the provisions of Act No. V of 1844 (*for the suppression of all lotteries not authorized by Government*) apply.

[PRICE 6 PIES.]

ACT No. IX of 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 8th February 1867.)

An Act to make further provision for suits by and against the Comptoir D'Escompte of Paris.

Preamble.

Whereas it is expedient to make further provision for suits and other proceedings by or on behalf of or against the Comptoir D'Escompte of Paris; It is hereby enacted as follows :—

Construction of certain Sections of Act No. VIII of 1864.

1. In Act No. VIII of 1864 (*to enable the "Comptoir D'Escompte of Paris" to sue and be sued in the name of the Chief Manager of the Indian Agencies of the said Company*), Sections 2, 3, 4, 5, 12 and 13, the expressions 'Chief Manager of the Agencies in British India of the said Comptoir D'Escompte' and 'Chief Manager' shall be taken to include any person for the time being acting as Chief Manager of the said Agencies, or being or acting as Manager of such one of the same Agencies as may be situate within the jurisdiction of the Court in which the suit or proceeding mentioned in any of the said Sections may be instituted or carried on.

Act to be read with Act VIII of 1864.

2. This Act shall be read with and taken as part of the said Act No. VIII of 1864.

[PRICE 6 PIES.]

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ACT No. X OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 15th February* 1867.)

An Act to empower Courts of Small Causes in the Mofussil to refer for decision questions arising previous to the hearing of suits or in the execution of decrees or orders.

Preamble.

Whereas it is expedient to enable the Courts constituted under Act No. XI of 1865 (*to consolidate and amend the law relating to Courts o Small Causes beyond the local limits of the ordinary origina Civil jurisdiction of the High Courts of Judicature*) to refer for the decision of the High Court within whose jurisdiction they may respectively be situate, questions of law or usage having the force of law arising previous to the hearing of suits under the said Act or in the execution of decrees or orders in such suits; It is hereby enacted as follows:—

Power to refer to High Court questions arising previous to the hearing of suits or in the execution of decrees or orders.

1. If at any point in the proceedings previous to the hearing of a suit under the said Act, or if in the execution of the decree or order in any such suit, any question of law or usage having the force of law shall arise, the Court, in suits for an amount not exceeding five hundred Rupees, may, either of its own motion or on the application of any of the parties to the suit, and in suits for an amount greater than five hundred Rupees, shall draw up a statement of the case, and refer it with the Court's own opinion thereon to the decision of the High Court within whose jurisdiction such Court may be situate. If the question has arisen previous to the hearing, the Court may either stay such proceedings, or proceed in the case notwithstanding such reference, and pass a decree contingent upon

[PRICE 6 PIES.]

upon the opinion of the High Court upon the point referred. If a decree has been made, the execution of the decree shall be stayed until the receipt of the order of the High Court upon such reference. All the provisions contained in this Section shall apply, *mutatis mutandis*, to the stating of a case by a Registrar.

This Act to be read with Act XI of 1865.

2. This Act shall be read with and taken as part of Act No. XI of 1865; and the provisions contained in Sections 24, 25, 26, 27, and 28 of that Act shall, *mutatis mutandis*, apply to cases referred under this Act.

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ACT No. XI of 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the* 1*st March* 1867.)

An act to empower the Oriental Gas Company, Limited, to extend their operations to certain places in British India.

Preamble.

Whereas under or by virtue of Act No. V of 1857 (*to confer certain powers on the Oriental Gas Company, Limited*), certain powers exercise-able only in Calcutta and its environs were conferred on the Oriental Gas Company, Limited : And whereas it is expedient to empower the said Company to extend, with the previous sanction of the Local Government, their operations to any other place in British India ; It is hereby enacted as follows :—

Interpretation Clause. "British India"

1. In this Act—"British India" means the territories which are or may become vested in Her Majesty or Her Successors by the Statute 21 & 22 Vic., cap. 106 (*An Act for the better Government of India*) ;

"Local Government."

and in any part of British India in which this Act shall operate, "Local Government" means the person or persons authorized by law to administer executive Government in such part.

Power to extend Act V of 1857.

2. The local Government may, by Notification in the official *Gazette*, extend the said Act No. V of 1857, to any place within the territories subject to such Government, other than Calcutta and its environs: provided that, in every place to which the said Act shall

[PRICE 6 PIES.]

shall be so extended, Section III of the same Act shall be read as if for the words Town of Calcutta,' the name of the place to which the said Act shall be so extended were substituted: Section VII of the same Act shall be read as if for the words and figures 'Act XIV of 1856,' the following words were substituted; (that is to say) 'any law for the time being in force to provide for the conservancy and improvement of such place:' Section XXII of the said Act shall be read as if after the words 'Joint Stock Companies' Act, 1856,' the following words were inserted; (that is to say) 'the Indian Companies' Act, 1866, or any other Statute or Act for the time being in force relating to Joint Stock Companies'; and as if for the expression 'Supreme Court of Judicature at Fort William,' the name of the highest Civil Court of appeal in such place were substituted; and as if for the expression 'the territories of the East India Company,' the expression 'British India' as defined in this Act were substituted.

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ACT No. XII OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the* 1*st March* 1867.)

An act to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras and Bombay.

Preamble.

Whereas it is expedient that, within the local limits of the original jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras and Bombay, persons should, for the purpose of being received and detained in prison, be committed to the custody of an officer appointed by the Local Government, instead of to the custody of the Sheriff of Calcutta, Madras or Bombay, as the case may be; It is enacted as follows :—

Interpretation of terms.

1. In this Act—unless there be something repugnant in the subject or context—

"High Court."

"High Court" denotes Her Majesty's High Court of Judicature at Fort William in Bengal, Madras or Bombay, as the case may be, and includes a Judge or Judges thereof and a Division Court:

"Sheriff."

"Sheriff" denotes the Sheriff of Calcutta, Madras or Bombay, as the case may be:

"Magistrate."

"Magistrate" includes a Magistrate of Police appointed under any Act for the time being in force for regulating the Police of the towns of Calcutta, Madras and Bombay.

2. The

[PRICE 1 ANNA AND 3 PIES.]

2. The Acts and parts of Acts mentioned in the Schedule hereto annexed are repealed in each of the Presidencies of Fort William, Madras and Bombay from the date on which this Act shall come into operation in such Presidency. Any act duly done or appointment made under Act No. XII. of 1865 *(to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Court of Judicature at Fort William in Bengal)* shall be considered as valid as if it were done or made under this Act, and as if this Act had been then in force.

Enactments repealed.

3. No person shall be committed to the Sheriff to be received and detained in prison; and no writ shall be awarded to the Sheriff commanding him to arrest and seize the body of any offender. But all writs or warrants for the arrest or apprehension of any person, issued or awarded by the High Court in the exercise of its ordinary, extraordinary or other criminal jurisdiction, shall be directed to and executed by any officer or officers of Police within the limits of such jurisdiction.

No one to be committed to Sheriff; And writs not to be issued to Sheriff.

Warrants and writs to be directed to Police Officers.

4. It shall be lawful for the Local Government to appoint an officer who shall be called in Calcutta the Superintendent of the Presidency jail, and in Madras and Bombay the Superintendent of jails for the town of Madras or Bombay, as the case may be, and who shall have authority to receive and keep prisoners committed to his custody under the provisions of this Act.

Local Government may appoint Superintendent of Presidency jail.

5. The said jails shall be the jails of Calcutta, Madras and Bombay respectively, and the Superintendents so to be appointed are hereby respectively authorized and required to keep and detain all persons duly committed to their custody pursuant to the provisions of this Act or otherwise, by any Court, Judge, Justice of the Peace, Magistrate of Police, Coroner or other public officer lawfully exercising Civil or Criminal jurisdiction according to the exigency of any writ, warrant or order by which such person shall have been committed, or until such person shall be discharged by due course of law.

Superintendents to detain persons committed.

6. The said Superintendent shall forthwith after the execution of every such writ, order or warrant, except warrants of commitment for trial, or, after the discharge of the person committed thereby, return such writ, order or warrant to the Court or other officer by which or by whom the same shall have been issued or made, together with a certificate endorsed thereon and signed by such Superintendent, shewing

Superintendents to return writs, &c., after execution or discharge, with certificates.

shewing how the same has been executed, or why the person committed thereby has been discharged from custody before the execution thereof.

Persons sentenced by High Court, to imprisonment or death to be delivered to the Superintendent.

7. Whenever any person shall be sentenced by the High Court in the exercise of its original Criminal jurisdiction to imprisonment or to death, the Court shall cause such person to be delivered to the said Superintendent, together with the warrant of the said Court, and such warrant shall be executed by such Superintendent and returned by him to the High Court when executed.

Persons sentenced by High Court to transportation or penal servitude to be delivered for intermediate custody to Superintendent.

8. Whenever any person shall be sentenced by the High Court in the exercise of its original Criminal jurisdiction to transportation or penal servitude, the Court shall cause such person to be delivered for intermediate custody to the said Superintendent, and the imprisonment of such person shall have effect from such delivery.

Order under Mutiny Act for intermediate custody.

9. Whenever any [illegible] Court shall, under any Act for the time [illegible] punishing mutiny and desertion and for [illegible] the Army and their quarters, make order for the intermediate [illegible] sentenced by a Court Martial holden in India, the Judge [illegible] order to be detained for intermediate custody by the said Superintendent.

Committals by H[illegible] in execution of a [illegible] for contempt.

10. Wh[illegible] shall be committed by the High Court, whether in [illegible] decree or for contempt of Court or other cause, [illegible] shall be taken by the officer to be appointed for [illegible] by such Court, and shall be delivered to the said [illegible]ndent, together with a warrant of commitment.

Person [illegible] Magistr[illegible] ment [illegible] payment [illegible] verg[illegible] wit[illegible]

11. [illegible] person shall be sentenced by a Magistrate of Police for the town of Calcutta, Madras or Bombay, to imprisonment, either [illegible]ately or for default of payment of any fine imposed by [illegible] such Magistrate, or shall be committed to prison for failure to find security to keep the peace and to be of good behaviour, the Magistrate shall cause such person to be delivered to the [illegible] Superintendent, together with a warrant of the Court.

[illegible] by [illegible] for [illegible] be [illegible] Superintendent [illegible]

[illegible]rson committed by a Justice of the Peace or Magistrate or Coroner for trial by the High Court in the exercise of its original Criminal jurisdiction, shall be delivered to the said Superintendent, together with a warrant of commitment directing him to have the body of such person before the Court for trial, and

such

such Superintendent shall as soon as practicable cause such person to be taken before the Court at a Criminal Session of the said Court, together with the warrant of commitment, in order that such person may be dealt with according to law. Every person committed by a Coroner shall be delivered to the said Superintendent, together with a warrant of commitment.

Committals by Coroners.

13. Pending any such enquiry as is mentioned in Section 8 of Act No. XXIII of 1861 *(to amend Act VIII of 1859)*, which the High Court may consider it necessary to make, the defendant may be delivered by the officer of the said Court to the said Superintendent, subject to the provisions as to deposit of fees and as to release on security contained in the same Section, and such Superintendent is hereby authorized and required to detain such defendant in safe custody, until he shall be re-delivered to the officer of the Court for the purpose of being taken before the said Court in pursuance of an order of the said Court or of a Judge thereof, or until he shall be released by due course of law.

Custody pending enquiries under Act XXIII of 1861, Section 8.

14. Every person arrested in pursuance of a writ, warrant or order of the High Court in the exercise of its original Civil jurisdiction, or in pursuance of a warrant of any Court established in Calcutta, Madras or Bombay under Act No. IX of 1850 *(for the more easy recovery of small debts and demands in Calcutta, Madras and Bombay)*, or in pursuance of a warrant issued under Section 3 of this Act, shall be brought without delay before the Court by which or by a Judge of which the writ, warrant or order was issued, awarded or made, or before a Judge thereof, if the said Court or a Judge thereof shall be then sitting for the exercise of original jurisdiction; and if such Court or a Judge thereof shall not be then sitting for the exercise of original jurisdiction, shall, unless a Judge of the said Court shall otherwise order, be delivered to the said Superintendent for intermediate custody, and shall be brought before the said Court or a Judge thereof at the next sitting of the said Court or of a Judge thereof for the exercise of original jurisdiction, in order that such person may be dealt with according to law; and the said Court or Judge shall have power to make or award all necessary orders or warrants for that purpose.

Persons arrested in pursuance of warrant of High Court or Small Cause Court to be delivered to Superintendent.

15. All persons confined in the Great Jail of Calcutta, or in any of the jails of the towns of Madras or Bombay under process of sentence of any of Her Majesty's late Supreme Courts of Judicature or of the High Courts, or of any Magistrate, shall be considered to be and shall remain in the custody of the said Superintendent

Persons confined in Great Jail of Calcutta or Jails of Madras or Bombay shall be deemed to be in custody of Superintendent.

according to the terms of the warrants under which they shall have been respectively committed to custody.

Warrant under Regulation III of 1818, Bengal Code, Regulation II of 1819, Madras Code, and Regulation XXV of 1827, Bombay Code, may be directed to Superintendent.

16. Any warrant of commitment under Regulation III of 1818 of the Bengal Code *(for the confinement of State prisoners)*, Regulation II of 1819 of the Madras Code *(for the confinement of State prisoners)*, and Regulation XXV of 1827 of the Bombay Code *(for the confinement of State prisoners and for the attachment of the lands of chieftains and others, for reasons of State)*, may be directed to the said Superintendent in the same manner as the same might have been directed to the Sheriff under Act No. XXXIV of 1850 *(for the better custody of State prisoners)*, and Act No. III of 1858 *(to amend the law relating to the arrest and detention of State prisoners)*.

Provisions of Statute 11 Vic., cap. 21, as to prisoners, to extend to persons in custody of Superintendent.

17. The provisions contained in the Statute 11 Vic., cap. 21 *(to consolidate and amend the laws relating to insolvent debtors in India)*, relating to persons in prison or liable to be arrested or detained in or remanded or re-committed to, or entitled to be discharged from, prison within the limits of the towns of Calcutta, Madras and Bombay, respectively, shall apply to all persons in the custody of the said Superintendent, or liable to be delivered to or entitled to be discharged from his custody.

Construction of Section 25 of Act No. XLVIII of 1860.

18. Section 25 of Act No. XLVIII of 1860 *(to amend Act No. XIII of 1856, for regulating the Police of the Towns of Calcutta, Madras and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore and Malacca)*, shall be construed in Madras and Bombay as if the words "Superintendent of Jails for the Town of Madras" or "Bombay," as the case may be, were substituted for the words "Keeper or Governor of the Jail or House of Correction."

Commencement of Act.

19. This Act shall come into operation in Calcutta at once, and in Madras and Bombay respectively, from such date as the Local Government shall notify in the local *Gazette*.

Short title.

20. This Act may be called "The Presidency Jails' Act, 1867."

SCHEDULE.

SCHEDULE.

Number and date of Acts.	Title.	Extent of repeal.
No. XXIV of 1855.	To substitute penal servitude for the punishment of transportation in respect of European and American convicts, and to amend the law relating to the removal of such convicts.	Section 8.
No. XVIII of 1862.	To repeal Act XVI of 1852 in those parts of British India in which the Indian Penal Code is in force, and to re-enact some of the provisions thereof with amendments, and further to improve the administration of Criminal Justice in Her Majesty's Supreme Courts of Judicature.	Sections 47, 48, 49, 50, 51 and 52.
No. XXV of 1863....	To empower Judges of the High Court and other authorities at Fort William in Bengal, to direct convicts to be imprisoned either in the House of Correction, or the Great Jail of Calcutta; and to authorize the transfer of prisoners, in certain cases, from the House of Correction to the Great Jail, and from the Great Jail to the House of Correction.	The whole.
No. XII of 1865. ...	To amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Court of Judicature at Fort William in Bengal.	The whole.

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ACT No. XIII OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the* 1*st March* 1867.)

An Act for the levy of enhanced Port-dues in the Ports of Moulmein and Bassein, and to provide for the establishment and maintenance of Coast Lights in the eastern part of the Bay of Bengal.

Preamble.

Whereas under Act No. XXXV of 1857 (*for the levy of Port-dues in the Ports of Moulmein, Rangoon, Kyouk Phyoo, Akyab and Chittagong*), and under Act No. XXV of 1860 (*for the levy of Port-dues in the Port of Bassein*), the maximum rate of port-dues leviable in the ports of Moulmein and Bassein, is four Annas for every ton of burden in respect of every sea-going vessel of the burden of ten tons and upwards which shall enter the same ports respectively: And whereas, for the purpose of defraying the expense of maintaining the port lights of British Burmah, it is expedient to enhance the rate so leviable to the extent hereinafter mentioned: And whereas lights have been established on the Cocos and on the Alguada Reef, and a light to be called "the Oyster Reef Light," and other lights or beacons are intended to be hereafter established and maintained in the eastern part of the Bay of Bengal for the safety and guidance of ships navigating the same: And whereas it is just and reasonable

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reasonable that such ships should be liable to contribute to the expense of the lights and beacons last aforesaid; It is hereby enacted as follows:—

Port-due of five Annas six Pie chargeable on vessels of twenty-five tons entering Moulmein or Bassein.

1. A port-due not exceeding the rate of five Annas and six Pie per every ton of burden, shall be chargeable in respect of every sea-going vessel of the burden of twenty-five tons and upwards, which shall enter either of the said ports of Moulmein and Bassein; and such port-due shall, to the extent of one Anna six Pie, be applicable in the first place to defray the expense of maintaining the existing port lights of British Burmah.

Section 1 to be read with Acts XXXV of 1857 and XXV of 1860.

2. The last preceding Section shall be read with, and taken as part of, the said Acts Nos. XXXV of 1857 and XXV of 1860.

Coast light dues payable in respect of vessels of fifty tons.

3. From and after the passing of this Act, a toll to be called Coast Light Dues shall be paid in respect of every vessel of the burden of fifty tons and upwards, at the rate of one Anna per ton of burden, in the cases following; (that is to say):—

(1.) If the voyage of such vessel be from the Straits of Malacca or from any place eastward of the said Straits to Bassein:

(2.) If the voyage be from Akyab to Bassein, Rangoon or Moulmein:

(3.) If the voyage be from the said Straits or from any place eastward of the said Straits to Akyab, or from Bassein, Rangoon, Moulmein, or the coast of Tenasserim to Akyab:

(4.) If the voyage be from Calcutta, Madras, or any other place on the eastern coast of India, or from Ceylon or any port to the westward of Ceylon, to Akyab, from and after the establishment and during the maintenance of the said Oyster Reef Light:

(5.) If the voyage be from Calcutta, Madras, or any other place on the eastern coast of India, or from Ceylon or any port to the westward of Ceylon, to Bassein, Rangoon, Moulmein, or any port on the Tenasserim coast:

(6.) If the voyage be to the port of Calcutta from Port Blair, the Straits' Settlement, or any place eastward of Port Blair, except the ports of British Burmah:

(7.) If the voyage be from Calcutta to Port Blair, the Straits' Settlement, or any place eastward thereof:

(8.) If

(8.) If the voyage be from Rangoon or Moulmein to Bassein, or from Bassein to Rangoon or Moulmein, from and after the establishment and during the maintenance of a light either on the Baraguay Flat or on the Krishna Shoal.

Payment of light dues by vessel taking cargo off coast.

4. Any vessel taking in any cargo off the coast of British Burmah and not entering any port for that purpose, shall pay the same light dues as she would have been liable to pay had she taken in her cargo at the port at which a port-clearance shall be granted to such vessel.

Exemption of vessels making certain voyages from coast light dues.

5. Nothing hereinbefore contained shall authorize the levy of Coast Light Dues on vessels making the voyage from the Straits of Malacca, or from any place to the eastward thereof, to Rangoon or Moulmein.

Ships to pay tolls on return voyages.

6. The return of a ship from any port or place shall be deemed a distinct voyage within the meaning of this Act, notwithstanding toll shall have been paid in respect of her voyage to such port or place, and notwithstanding the terms of any charter-party.

Ships-of-war to be exempt from toll.

7. Notwithstanding anything hereinbefore contained, Ships-of-war belonging to Her Majesty or to any foreign Government or State, shall be exempt from the payment of the tolls leviable under this Act.

Management of the lights vested in the Chief Commissioner of British Burmah.

8. The management and control of the said coast lights and the other lights and beacons mentioned or referred to in the preamble to this Act, are hereby vested in the Chief Commissioner of British Burmah, subject to the directions of the Governor General of India in Council.

Appointment of Collector of Tolls.

9. The said Chief Commissioner may appoint any person he may think fit to be a Collector of the Tolls leviable under this Act, at any port, harbour or place under his administration.

Tolls to be paid before port-clearance is granted.

10. The tolls to be levied under Section 3 of this Act shall become due and be payable, in respect of any ship clearing out or departing from any port, harbour, or roadstead, in the possession of or under the Government of India, upon any such voyage as aforesaid, previously to the granting of any port-clearance for such ship, or, in the event of her not requiring a port-clearance, on her preparing to leave such port, harbour, or roadstead on such voyage; and in respect of any ship entering

entering any such port, harbour, or roadstead as aforesaid, upon or during, or at the termination of any such voyage from any port or place not under the Government of India, the toll shall be payable immediately upon her entering such port, harbour, or roadstead.

Tolls to be paid to proper officer, who shall give a receipt for the same.

11. The Collector or other chief officer of Customs at any port, harbour, or place in the possession or under the Government of India, or any other officer whom the Government to which such port, harbour, or place is subordinate may appoint to receive the tolls last hereinbefore referred to, shall collect the same by himself, or by any officer in his establishment whom he shall appoint. The officer to whom any such toll shall be paid shall grant to the person paying the same a proper voucher in writing, under his hand, describing the name of his office, and the port or place at which such payment shall be made, the name, tonnage, and other proper description of the ship, and the voyage in respect of which such toll shall be paid.

Port-clearance not to be granted till tolls are paid, and ship and goods may be distrained and sold for tolls.

12. The officer of Government whose duty it shall be to grant a port-clearance for any ship clearing out of, or leaving any such port, harbour, or place under the Government of India, shall not grant such port-clearance to any ship until the owner or agent of such ship, or the master or other person in command thereof, shall pay all tolls to which such ship shall be liable under Section 3 of this Act, or produce a proper voucher for, or give satisfactory proof of the payment of such tolls at the same or some other port or place. If any master or owner or other person having the charge of any ship liable to the payment of any tolls under Section 3 of this Act, shall refuse or neglect to pay the amount thereof to the person authorized to collect or receive the same, such person may distrain or cause to be distrained any goods or merchandize, to whomsoever the same may belong, on board such ship, and any tackle, apparel, or furniture belonging to such ship, and may remove the same, or cause the same to be removed, to some convenient place leaving on board such ship notice in writing of such distress, and of the cause thereof, and of the place of removal: if such tolls, together with the costs of such distress and removal, shall not be paid within three whole days after the seizure, exclusive of the day of such seizure, the person authorized to collect or receive such tolls may cause the goods, merchandize, tackle, apparel, and furniture so seized to be sold, and out of the proceeds of such sale shall pay the amount of the tolls to which such ship may be liable under this Act, together with the reasonable costs of such seizure, detention, and sale, rendering to the master or owner, or other person having the command of such vessel, the over-plus, if any, on demand.

13. Notwithstanding

13. Notwithstanding anything in this Act contained, the person authorized to collect the said tolls at any such port, harbour, or place aforesaid, may, in his own name, sue for and recover, on behalf of the Government of India, the amount of any tolls payable to him under this Act, by suit in any of the Civil Courts against the owner or master, or other person who, at the time of such toll becoming due, shall have the command of any ship liable thereto.

Collector may sue for recovery of tolls.

14. In order to ascertain the burden of any ship liable to pay toll under Section 3 of this Act, the person authorized to collect such toll may require the owner, master, or other person in command of such ship, or any person having possession of the same, to produce the register of such ship for the inspection of such person, if the ship shall be a British registered ship or a ship registered in any part of the territories vested in Her Majesty or Her Successors under the Statute 21 & 22 Vic., Cap. 106 *(An Act for the better Government of India)*, and upon the refusal or neglect of any such owner, master, or other person to produce such register, or, if such ship shall not be a ship registered as aforesaid, upon the refusal or neglect of such owner or master to satisfy the person authorized to collect such tolls as to what is the true burden of the ship, it shall be lawful for such person to cause such ship to be measured at the expense of the master thereof, and such expense shall be recoverable in the same manner as tolls payable under Section 3 of this Act, or it shall be lawful for such person to deliver to such master, owner, or other person in command of the ship or in the possession thereof, or to leave for him on board such ship, a notice in writing specifying what in his judgment is the burden of the ship, and the burden specified in such notice shall be deemed to be the real burden of the ship and be treated as such for all the purposes of this Act, until the owner, master, or other person having the command of the ship shall give sufficient proof of the true burden thereof.

Burden of ship how to be ascertained.

15. The master of any ship which shall depart from or enter any such port, harbour, or roadstead as aforesaid, upon, or in the course of, or at the termination of any voyage, shall, upon demand by any person authorized to collect or receive tolls under Section 3 of this Act, specify upon what voyage he is bound; and if any master of any such ship shall refuse or neglect so to do, or shall give a false statement, or shall endeavour to evade the payment of any tolls payable under Section 3 of this Act, or shall obstruct any officer of Government in the discharge of his duty under this Act, shall be punishable by a Magistrate in a summary manner by a fine not exceeding two hundred Rupees.

Evading payment of tolls.

16. If

Magistrate to decide disputes respecting tolls.

16. If any dispute shall arise respecting the liability of any ship to the payment of toll under Section 3 of this Act, or in respect of the burden of any ship, or the amount of toll payable, or the amount of any charges on account of any distress, removal, or sale under this Act, such dispute shall be heard and determined by a Magistrate in a summary manner, and the decision of such Magistrate shall be final.

Governor General in Council may alter rates of tolls.

17. The Governor General of India in Council may, from time to time as he may think fit, reduce the tolls payable under this Act, in respect of all vessels or of any particular class or classes of vessels, and again raise the same to any amount not exceeding the amounts above specified.

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ACT No. XIV of 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 1st March* 1867.)

An Act to provide for the assessment of the Pandhart Tax in certain parts of the Central Provinces.

Preamble.

Whereas there has for many years existed, and now exists in certain districts of the Central Provinces, a tax called the Pandhari Tax, assessable on all persons not engaged in agriculture: And whereas it is expedient to make rules for regulating the assessment of such tax; It is enacted as follows:—

Persons on whom the Pandhari Tax is assessable.

1. The Pandhari Tax is hereby declared to be assessable on all persons dwelling or personally working for gain or carrying on business within the districts of Nagpore, Wurdah, Chandah, Bhundara, Chindwarra, Raepore, Belaspore and Sumbulpore, any part of whose income is derived from any source other than agriculture. Provided that no person whose estimated income is less than seventy-five Rupees a year shall be assessed to the said tax; that no person shall be assessed to the said tax at a rate exceeding two *per centum* on his estimated income, and that no person shall be assessable to the said tax at a sum exceeding five hundred Rupees per annum.

Limitation of rates of assessment.

2. The

[PRICE 9 PIES.

2. The Chief Commissioner of the Central Provinces may from time to time, with the previous sanction of the Governor General of India in Council, make and publish in such manner as may seem fit rules not inconsistent with the provisions of this Act or of any other law for the time being in force, to provide (amongst other things) for the matters hereinafter mentioned.

Chief Commissioner may make rules as to assessment and collection of the Pandhari tax.

3. The rules made under the last preceding Section may provide :—

For what the rules may provide.

(1.) For regulating the manner, and rates, and classes of assessments :

(2.) For regulating the time and manner of collecting the amount assessed ; and for allowing to the persons employed in the collection fees not exceeding three *per centum* on the amount assessed upon the tax-payers :

(3.) For the imposition of penalties on persons convicted of the breach of any rule or regulation made under the last preceding Section: Provided that no penalty shall exceed a fine of fifty Rupees, or imprisonment for a term not exceeding eight days :

(4.) For exempting from the operation of this Act special classes of persons in receipt of fixed salaries or pensions, in respect of such salaries or pensions :

(5.) For determining the person or persons by whom and the manner in which, in the case of any person to whom this Act shall apply, his or her estimated income, within the meaning of Section 1 of this Act, shall be ascertained.

4. Arrears of the said tax shall be recoverable by distress and sale of any moveable property belonging to the defaulter ; or, when he or she shall not have any moveable property of which a distraint can be made, or when after his or her moveable property shall have been distrained and sold, the arrear due together with all expenses of the distress and sale is not liquidated by the proceeds of such sale, then under such rules and procedure as may, for the time being, be in force in the Central Provinces for the realization out of immoveable property of land revenue.

Recovery of arrears.

5. Breaches of rules made under Section 2 of this Act shall be triable by any Magistrate.

Breaches of rules by whom triable.

6. The provisions of this Act may be extended by order of the Governor General of India in Council to any district or districts of the Central Provinces other than those named in Section 1 of this Act.

Extension of this Act to other parts of the Central Provinces.

7. Every

Indemnity clause.

7. Every Deputy Commissioner and other officer in the Central Provinces, however such officer is designated, is hereby indemnified for anything done before the passing of this Act, which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such Deputy Commissioner or other officer in respect of anything so done.

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ACT No. XV OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the* 1*st March* 1867.)

An Act to make better provision for the appointment of Municipal Committees in the Panjab, and for other purposes.

Preamble.

Whereas it is expedient to make better provision for the appointment of Municipal Committees in towns in the territories under the Government of the Lieutenant-Governor of the Panjáb, and for the Police conservancy and local improvements, and for education, and for the levying of rates and taxes in such towns ; It is enacted as follows :—

I—Preliminary.

Interpretation Clause.

1. In this Act—unless there be something repugnant in the subject or context—

"Committee."

"Committee" means a Municipal Committee appointed under the provisions of this Act :

"Lieutenant-Governor."

"Lieutenant-Governor" means the Lieutenant-Governor of the Panjáb :

Number.

Words in the singular number include the plural, and words in the plural number include the singular.

2. The

[PRICE 1ANNA AND 8 PIES.]

50

2. The Lieutenant-Governor may extend this Act or any of its Sections or provisions, by Notification in the local *Gazette*, to any town in the territories under his Government.

Power to extend this Act to towns.

3. From the date of the passing of this Act, all Municipal Committees previously appointed with the sanction of any Lieutenant-Governor or Chief Commissioner of the Panjáb, other than Municipal Committees appointed under Act No. XXVI of 1850 *(to enable improvements to be made in towns)*, shall be deemed Committees under this Act. The Lieutenant-Governor may extend, by Notification in the local *Gazette*, all or any of the provisions of this Act to Municipal Committees appointed under the said Act No. XXVI of 1850. So much of any Act, Regulation or Rule having the force of law, as may be inconsistent with any provision so extended to a Committee, shall, from and after the date of such extension, cease to have effect in the case of such Committee.

Existing Committees to be deemed Committees under this Act.

4. For the purposes of this Act, the Lieutenant-Governor may from time to time, by Notification in the local *Gazette*, define the limits of any town to which this Act shall have been extended, and may include within the limits of such town any railway station, village, building or land in the vicinity of such town.

Power to define limits of towns to which Act extends.

II.—Appointment, Duties and Powers of Committees.

5. In any town to which this Act shall have been extended, the Lieutenant-Governor may appoint, either *ex-officio* or otherwise, or direct the appointment by election of any number of persons, not less than five, to be members of a Committee, or he may appoint some of the members of such Committee and direct the appointment of others by election for carrying out the purposes of this Act. The Lieutenant-Governor may from time to time remove any of the members of any Committee, add to their number, and fill up vacancies occurring among them. The Lieutenant-Governor may determine the time and manner of the election of those members whom he may direct to be appointed by election, and the persons by whom they shall be elected, and generally may make any rules for regulating the election of such members that he may think fit. The Lieutenant-Governor may also appoint the President and Vice-President, or either of them, of any Committee, or sanction the election by any Committee of one of their members as President or Vice-President or either of them. All appointments under this Section shall be notified in the local official *Gazette*.

Power to appoint members of Committee.

6. Every

6. Every Committee may, with the previous sanction of the Lieutenant-Governor, define the persons or property within the town to be taxed for the purposes of this Act, the amount or rate of the taxes to be imposed, and may impose such taxes accordingly.

Power to levy rates or make assessments.

7. It shall be lawful for the Lieutenant-Governor from time to time to make rules as to the persons by whom, and the manner in which any assessment of taxes under this Act shall be confirmed, and for the collection of such taxes and for the safety and due application of them when collected, and for the rendering and publishing of such estimates and accounts relating to the expenditure of the Municipal Funds, and in such form as he may think fit. The Lieutenant-Governor may from time to time repeal, alter or add to such rules. No tax shall be collected under this Act, until it shall have been confirmed by the persons and in manner hereinbefore mentioned.

Power to make rules for collection and application of rates.

8. All sums received by the Committee of any town to which this Act extends, and all fines levied under this Act, shall constitute a fund, which shall be called the Municipal Fund of such town, and shall, together with all property which may become vested in such Committee, be under their control, and shall be applied by them as trustees for the purposes of this Act.

Municipal Fund.

9. Every Committee, so far as the Municipal Fund at their disposal will permit, shall, after providing out of such Fund for a Police establishment in manner hereinafter mentioned, keep the public streets, roads, drains, tanks and water-courses of the town for which they are appointed clean and repaired, and may cause such streets and roads, or any of them, to be watered and lighted, and may construct new streets, drains, tanks and water-courses, and may construct and provide for the management of poor-houses, dispensaries, market-places and other works of general utility, and generally may do all acts and things necessary for the purposes of conservancy and local improvement, and may also make provision, by the establishment of new schools or the aiding of already existing schools or otherwise, for the promotion of education in the town for which such Committee is appointed.

Duties and powers of Committees.

10. Any Committee may make rules for regulating the time and place of their meeting, the conduct of their business, the division of duties among the members of the Committee, the salaries, appointment,

Power to make rules.

appointment, suspension and removal of the officers and servants of the Committee, and other similar matters.

Power to make bye-laws as to nuisances and registration of births and deaths.

11. It shall be lawful for any Committee to make bye-laws for defining, prohibiting, and removing nuisances which are not public or common nuisances under the Indian Penal Code, or under Act No. V of 1861 (*for the regulation of Police*), and for the securing of a proper registration of births and deaths, and for carrying out all or any of the purposes of this Act. And the Committee may from time to time repeal, alter or add to such bye-laws.

Power to suspend or limit powers of Committee.

12. The Lieutenant-Governor may by order suspend or limit all or any of the powers of any Committee, and may also cancel any of the proceedings or rules of any Committee.

Provision for Police

13. Every Committee shall set apart out of the Municipal Fund, such sum as the Lieutenant-Governor shall require for the maintenance of the Police establishment in the town.

Bye-laws to be confirmed and published.

14. No bye-law and no alteration or repeal of or addition to a bye-law shall have effect until the same shall have been confirmed by the Lieutenant-Governor. All bye-laws made under this Act, and all rules made under Section 10 of this Act, and all alterations and repeals of and addition to such bye-laws and rules, shall be published for such length of time and in such manner as the Lieutenant-Governor shall order.

III.—Suits by and against Committees.

Suits by and against Committees.
Contracts of Committees.

15. Every Committee shall sue and be sued in the name of their President. Every contract made on behalf of any Committee, in respect of any sum exceeding Rupees twenty or in respect of any property exceeding Rupees twenty in value, shall be in writing, and shall be signed by the President or Vice-President (if any) and at least two other members of the Committee, and unless so executed shall not be binding on the Committee. No member of a Committee shall be personally liable for any contract made or expense incurred by or on behalf of the Committee, but the funds from time to time in the hands of the Committee shall be liable for, and chargeable with, all contracts duly made as aforesaid. Every member of a Committee shall be liable for any misapplication of money entrusted to the Committee to which he shall have been a party, or which shall happen through, or be facilitated by his neglect of his duty, and he shall be liable to be sued for the same in such Court as the Lieutenant-Governor shall direct as for money due to the Government.

Liability of members of Committees.

16. No

16. No suit shall be brought against a Committee or any of their officers, or any person acting under their direction, for any thing done under this Act, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Committee, or at the place of abode of such person, explicitly stating the cause of suit and the name and place of abode of the intended plaintiff; and unless such notice be proved, the Court shall find for the defendant; and every such suit shall be commenced within three months next after the accrual of the cause of suit, and not afterwards: and if any person to whom any such notice of suit is given shall, before suit brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

No suit to be brought against the Committee or their officers, until after one month's notice of cause of suit.

IV.—Penalties.

17. No member of a Municipal Committee or servant of the Committee shall be interested directly or indirectly in any contract made with the Committee, and if any such person be so interested, he shall thereby become incapable of continuing in office or in employment as such member or servant, and shall be liable to a fine of five hundred Rupees. Provided always, that no person by being a shareholder in or member of any incorporated or registered Company, shall be disqualified from acting as a member or servant of a Committee by reason of any contract entered into between such Company and the Committee. Nevertheless it shall not be lawful for such shareholder or member to act as a member of the Committee in any matter relating to any contract entered into between the Committee and such Company.

Penalty on member or servant of Committee being interested in contracts made with Committee.

18. Whoever infringes any rule made under Section 10 of this Act, or any bye-law made and confirmed as directed in this Act, shall be liable to a fine not exceeding fifty Rupees, and, in the case of a continuing infringement, to a fine not exceeding five Rupees for every day after notice from the Committee of such infringement. In default of payment of any fine imposed under this Section, the defaulter shall be liable to be imprisoned for a term not exceeding eight days.

Penalty for infringement of rules or bye-laws, or non-payment of fines.

19. Prosecutions under this Act for infringements of rules or bye-laws may be instituted before any Magistrate by the Committee or any person authorized by the Committee in this behalf, and all fines imposed under this Act may be recovered in the manner prescribed in Section 61 of the Code of Criminal Procedure. Rates and arrears of rates imposed under this Act may be recovered as if they were fines.

Prosecutions.

Fines.

Recovery of rates.

20. All

V.—Miscellaneous.

Existing assessments and bye-laws to be deemed to have been made under this Act.

20. All assessments, bye-laws, rules and regulations of any kind relating to matters provided for in this Act, which may previous to the passing of this Act have been made by or received the approval of any Lieutenant-Governor or Chief Commissioner of the Panjáb, shall be deemed to have been made in accordance with the provisions of this Act. And all proceedings taken under any such assessments, bye-laws, rules and regulations shall be deemed to be as valid as if they had been taken under this Act.

Application of Section 20 to Central Provinces and Oudh.

Power to extend this Act to Central Provinces and Oudh.

21. Section 20 of this Act shall apply to the Central Provinces and Oudh, as if for the words "Lieutenant-Governor or Chief Commissioner of the Panjáb," the words "Chief Commissioner of the Central Provinces and Oudh" were substituted, and as if the extension next hereinafter mentioned had been made. And it shall be lawful for the Governor General of India in Council to extend this Act or any of its provisions, by Notification in the *Gazette of India* and the local official *Gazette*, to any town in the territories respectively under the administrations of the Chief Commissioners of the Central Provinces and Oudh, and on and after such extension, this Act shall be construed in such town as if the words "Lieutenant-Governor" were defined to include Chief Commissioners of the Central Provinces and Oudh; as if for the word "Government", the word "Administration" were substituted; and as if for the words and figures "Act No. XXVI of 1850 *to enable improvements to be made in towns)*", the words and figures "Act No. XVIII of 1864 *(to provide for the appointment of a Municipal Committee for the City of Lucknow)*" were substituted. Provided that, when such extension shall be effected, the previous sanction of the Governor General of India in Council shall be necessary to the validity of any order made by a Chief Commissioner under Section 12 of this Act.

Act to expire in 1872.

22. This Act shall expire in five years in the territories subject to the Lieutenant-Governor of the Panjáb, and if it shall be extended to the Central Provinces or Oudh under the last preceding Section, it shall expire in such Provinces in five years from the date of such extension.

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ACT No. XVI OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 1st March 1867.)

An Act to authorize the making of acting appointments to certain Judicial Offices.

Preamble.

Whereas the Governor General of India in Council or the Local Government, as the case may be is empowered by divers enactments to appoint the Judges of certain Courts in British India: And whereas it has been doubted whether he or it is empowered to appoint persons to act temporarily as such Judges, and it is expedient to remove such doubts; It is hereby enacted as follows:—

Power to appoint acting Judges.

1. In every case in which the Governor General of India in Council, or the Local Government, as the case may be, has power under any Act or Regulation to appoint a Judge of any Court in British India, such power shall be taken to include the power to appoint any person capable of being appointed a permanent Judge of such Court, to act as Judge of the same Court for such time as the Governor General of India in Council or the Local Government, as the case may be, shall direct. Every person so appointed to act temporarily as a Judge of any such Court shall have the powers and perform the duties which he would have had and been liable to perform in case he had been duly appointed a permanent Judge of the same Court.

Certain enactments to be construed as if they contained a clause like Section 1 of this Act.

2. Every such Act and Regulation shall be construed as if it contained a special clause to the purport or effect of the first Section of this Act.

[PRICE 6 PIES.]

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ACT No. XVII OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 6th March* 1867.)

An Act to amend the Law relating to Customs Duties.

Preamble.

WHEREAS it is expedient to amend the Law relating to the duties of Customs on goods imported and exported by sea; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Indian Customs Duties' Act, 1867."

Duties specified in Schedules to be levied.

2. In lieu of the Customs duties authorized to be charged by any Act now in force, there shall be levied and collected, in every port in the territories which are or may be vested in Her Majesty or Her Successors by the Statute 21 & 22 Vic., cap. 106 (*An Act for the better Government of India*), other than the Settlement of Prince of Wales' Island, Singapore and Malacca, the duties specified in the two Schedules annexed to this Act; and all articles, other than those specified in the said Schedules respectively, shall be duty-free: Provided that nothing herein contained shall be taken to alter the existing duties upon Salt and Opium, or to affect the provisions of Act No. VI of 1848.

Repeal of Section 179 of Consolidated Customs Act.

3. Section 179 of the Consolidated Customs Act is hereby repealed; and Section 27 of the same Act shall be construed as if for the words "for which a specific value has not been fixed by the Local Government with the sanction of the Governor General of India in Council," the following words were substituted, (that is to say), "for which a specific value is not fixed by the Indian Customs Duties' Act, 1867;" but, save as aforesaid, nothing herein contained shall be construed to affect the provisions of the Consolidated Customs Act.

Act not to alter Customs in the Straits.

4. Nothing contained in this Act shall be deemed to alter the law relating to duties on Customs in force in the said Settlement.

SCHEDULE A.

[PRICE 2 ANNAS AND 8 PIES.]

ACT No. XVII OF 1867.

SCHEDULE A.

IMPORT TARIFF.

No.	Description of Article.	Value on which duty is assessed.	Rate of duty.
		Rs A.	
1	*Apparel, including Haberdashery, Millinery, &c.—*	Ad valorem ...	Seven and a half per cent.
2	*Arms, Ammunition, and Military Stores—*		Seven and a half per cent., except as regards Military and other Regulation Uniforms and Accoutrements when imported for private use by persons in the Public Service, which are free.
	Gunpowder, common	0 5 per lb. ...	
	,, sporting	1 0 ,, ...	
	Fire Arms and parts of ditto ...	Ad valorem ...	
	All other sorts, including Military Accoutrements, Uniforms, &c. ...	Ad valorem.	
3	*Blacking—*		Seven and a half per cent.
	Quarts	5 0 per doz.	
	Small	2 8 ,,	
	In Tins	0 3 per lb.	
4	*Cabinet Ware—*	Ad valorem ...	Seven and a half per cent.
5	*Candles, Wax, Composition, and other kinds—*		Seven and a half per cent.
	Candles, Wax	1 0 per lb. ...	
	,, Paraffine	0 8 ,, ...	
	,, Spermaceti...	0 8 ,, ...	
	,, Composition and other sorts.	0 6 ,, ...	
6	*Carpets and Carpeting—*		Five per cent.
	Single Carpets	Ad valorem ...	
	Carpeting in rolls	Ad valorem ...	
7	*Carriages*	Ad valorem ...	Seven and a half per cent.
8	*Chemicals*	Ad valorem ...	Seven and a half per cent.
9	*China and Japan Ware, other than Lacquered Ware, which is free* ...	Ad valorem ...	Seven and a half per cent.
10	*Clocks, Watches, and other Time-keepers*	Ad valorem ...	Seven and a half per cent.
11	*Coach-builder's Materials*	Adv alorem ...	Seven and a half per cent.
12	*Coffee—*		Seven and a half per cent.
	Persian Gulf and Red Sea	30 0 per cwt. ...	
	Other places	20 0 ,, ...	
13	*Corks*	1 8 per gross ...	Seven and a half per cent.
14	*Cotton—*		
	Thread—		
	Sewing Thread, white and colored...	0 12 per lb. ...	Seven and a half per cent.
	,, In reels, or on cards not exceeding one hundred yards* ...	2 8 per gross reel.	
	,, Goa and Country ...	30 0 per cwt.	
	Twist—		Three and a half per cent.
	Mule, under No. 15	0 7 per lb.	
	Nos. 16 to 24	0 11 ,,	
	25 to 32	0 12 ,,	
	33 to 42	0 13 ,,	
	43 to 52	0 14 ,,	
	53 to 60	1 1 ,,	
	No. 70	1 2 ,,	
	80	1 3 ,,	
	90	1 4 ,,	
	100	1 5 ,,	
	Nos. 110 to 150	1 10 ,,	
	160 to 200	1 14 ,,	

* Exceeding this length to be charged in proportion.

IMPORT TARIFF.—*(Continued.)*

No.	Description of Article.	Value on which duty is assessed.	Rate of duty.
	Cotton.—(Continued.)	Rs. A.	
	Twist—		
	Water, No. 20	0 12 per lb.	Three and a half per cent.
	30	0 13 ,,	
	40	0 15 ,,	
	50	1 1 ,,	
	Above 50	1 4 ,,	
	Turkey Red Twist, all kinds*—	1 6 per lb.	Three and a half per cent.
	Twist, Orange, Red and other Colors*	1 2 ,,	* Duty to be charged on the Grey weight of the Colored Yarns when not ascertainable, the actual Wharf weight or Invoice weight to be taken.
	Piece Goods—		
	Grey—		
	Shirtings, Madapollams, and Printers...	0 13 per lb.	Five per cent.
	Long Cloths, Jeans, Domestics, Sheetings, Drills and T. Cloth.	0 11 ,,	
	Other sorts...	Ad valorem.	
	Cotton Rope	25 0 per cwt.	Seven and a half per cent.
	Cotton Goods—other kinds	Ad valorem.	
15	*Drugs and Medicines—*		
	Acid, Sulphuric	0 3 per lb.	Seven and a half per cent.
	Alkali, Country (Sajee Khar) ...	2 0 per cwt.	
	Aloes, black	10 0 ,,	
	,, Socotra	25 0 ,,	
	Alum	3 8 ,,	
	Arsenic	25 0 ,,	
	,, China, Munseel	8 0 ,,	
	Assafœtida (Hing)	55 0 ,,	
	,, Coarse (Hingra) ...	10 0 ,,	
	Brimstone, Flour	7 0 ,,	
	,, Roll...	6 0 ,,	
	,, Rough	4 8 ,,	
	Camphor, Bhimsing (Barras) ...	50 0 per lb.	
	,, refined cake	65 0 per cwt.	
	,, crude, in powder ...	50 0 ,,	
	Cassia Lignea	38 0 ,,	
	Coova, red	Ad valorem.	
	Copperas, green...	2 8 per cwt.	
	Quinine	50 0 per lb.	
	Sal Ammoniac	22 0 per cwt.	
	Salep	60 0 ,,	
	Senna Leaves	6 0 ,,	
	All other sorts	Ad valorem.	
16	*Dyeing and Colouring Materials—*		
	Cochineal	1 12 per lb.	Seven and a half per cent.
	Gallnuts, Country, Myrabolam ...	3 0 per cwt.	
	,, Persian	35 0 ,,	
	Gamboge Wood	20 0 ,,	
	Madder or Munjeet	10 0 ,,	
	Orchilla Weed	8 0 ,,	
	Saffron, Europe...	18 0 per lb.	
	,, Meadow, Soorunjun ...	10 0 per cwt.	
	,, Persian	12 0 per lb.	
	,, in cakes or lumps ...	5 0 ,,	
	Sapan Wood and Root	3 8 per cwt.	
	All other sorts	Ad valorem.	

IMPORT TARIFF.—*(Continued.)*

No.	Description of Article.	Value on which duty is assessed.	Rate of duty.
17	*Felt—*	Rs. A.	
	Sheathing 40×32 inches... ...	0 4 per piece.	Seven and a half per cent.
	In rolls or in lengths...	0 4 per yard.	
	All other sorts...	Ad valorem.	
18	*Fireworks—*		
	China...	30 0 per box of 133⅓ lbs.	Seven and a half per cent.
	Other sorts...	Ad valorem.	
19	*Flax, Manufactures of—*		
	Piece goods...	Ad valorem ...	Five per cent.
	Other sorts...	Ad valorem ...	Seven and a half per cent.
20	*Fruits and Vegetables—*		
	Almonds, without shell	25 0 per cwt.	Seven and a half per cent.
	,, with shell... ...	10 0 ,,	
	Cajoo kernels...	10 0 ,,	
	Cocoanuts...	30 0 per thousand.	
	,, kernel (Copra)... ...	9 8 per cwt.	
	Currants, Europe... ...	35 0 ,,	
	,, Persian	12 0 ,,	
	Dates, dry, in bags... ...	4 0 ,,	
	,, wet, in bags... ...	3 0 ,,	
	,, ,, in pots... ...	6 0 ,,	
	Figs, Europe...	42 0 ,,	
	,, Persian, dried... ...	6 0 ,,	
	Garlic	4 0 ,,	
	Pistachio Nuts...	14 0 ,,	
	Prunes, Bussorah	12 0 ,,	
	Raisins—Black, Persian Gulf, Red Sea, and Khismis... ...	12 0 per cwt.	
	,, Monocka, Persian Gulf, and Red Sea... ...	7 0 per cwt.	
	,, Other sorts... ...	Ad valorem.	
	Walnuts, Akroot... ...	5 0 per cwt.	
	Mangoes, dried...	Ad valorem.	
	Prunes, Europe...	Ad valorem.	
	Other sorts, except Bidmiskh and Buzarbuttoo Nuts which are free...	Ad valorem.	
21	*Glass and Glass-ware—*		
	Bangles, Glass, China, Gilt... ...	10 0 per 100 pairs.	Seven and a half per cent.
	,, not Gilt... ...	5 0 per 100 pairs.	
	Beads—China...	30 0 per cwt.	
	,, Common	28 0 ,,	
	,, Ruby of all sizes... ...	0 12 per lb.	
	,, Seed	0 10 ,,	
	,, Small, scarlet and red... ...	0 10 ,,	
	,, Coral (false) Moorzun	0 8 per corge of 2,000 beads.	
	Glass—Broken...	5 0 per cwt.	
	,, China, of all colors... ...	40 0 per 133⅓ lbs.	
	,, Crown, colored... ...	40 0 per 100 supl. feet.	
	,, ,, of sizes... ...	6 0 per 100 supl. feet.	
	,, Plate, not silvered... ...	0 10 per foot.	
	Pearls, false, Bajeria	5 0 per lakh.	
	,, Boria	1 0 per thousand.	
	,, Jouria...	8 0 per lakh.	
	,, Nathia	0 6 per thousand.	
	,, Tachea...	0 12 ,,	
	,, Wattanah..... ...	10 0 per lakh.	
	Glass-ware of all other sorts, except bottles which are free...	Ad valorem.	

IMPORT TARIFF.—*(Continued.)*

No.	Description of Article.	Value on which duty is assessed.	Rate of duty.
		Rs. A.	
22	*Gold leaf*, Europe ...	4 0 per hundred leaves.	Seven and a half per cent.
23	*Grass and other Cloth of China Manufacture.*	Ad valorem ...	Five per cent.
24	*Gums*—		Seven and a half per cent.
	Gum, Ammoniac	10 0 per cwt.	
	,, Arabic	16 0 ,,	
	,, Bdellium, common gum ...	5 0 ,,	
	,, Benjamin	33 0 ,,	
	,, Bysabole, coarse Myrrh ...	12 0 ,,	
	,, Copal	65 0 ,,	
	,, Frankincense or Olebanum ...	9 0 ,,	
	,, Gambier (or Kino) ...	8 0 ,,	
	,, Myrrh	24 0 ,,	
	,, Persian (false)	3 0 ,,	
	,, Rosin	8 0 ,,	
	All other sorts	Ad valorem.	
25	*Groceries not otherwise described* ...	Ad valorem ...	Seven and a half per cent.
26	*Hides and Skins*—		Seven and a half per cent.
	Border Hides, prepared ..	30 0 each.	
	Buffaloe Hides, Country, Tanned ...	80 0 per score.	
	Calf Skins	40 0 per dozen.	
	Chamois Skins	6 0 ,,	
	Cow Hides, Country, Tanned ...	60 0 per score.	
	Rhinoceros Leather	40 0 per cwt.	
	Other sorts	Ad valorem.	
27	*Horns*—		Seven and a half per cent.
	Buffaloe	11 0 per cwt.	
	Stag or Deer	12 0 ,,	
	Manufactures of	Ad valorem	
28	*Instruments*, Musical	Ad valorem.	Seven and a half per cent.
29	*Ivory and Ivory-ware*—		Seven and a half per cent.
	Elephants' Grinders	16 0 per cwt.	
	Tusks above 20 lbs.	300 0 ,,	
	Tusks 10 lbs. and not exceeding 20 lbs.	225 0 ,,	
	Tusks under 10 lbs.	125 0 ,,	
	Sea Cow or Moye Teeth 3 lbs. and upwards	225 0 ,,	
	Sea Cow or Moye Teeth under 3 lbs.	75 0 ,,	
	Ivory, Manufactures of... ...	Ad valorem.	
30	*Jewellery, including Plate*—		Seven and a half per cent.
	Silver-ware, plain ...	1 6 per tolah.	
	Jewellery and Plate of all other kinds, excepting Precious Stones and Pearls, which are free ...	Ad valorem.	
31	*Jute, Manufactures of*—	Ad valorem ...	Seven and a half per cent.
32	*Lac*—		Seven and a half per cent.
	Stick...	16 0 per cwt.	
	Shell...	28 0 ,,	
	[illegible]	Ad valorem	

IMPORT TARIFF.—(*Continued.*)

No.	Description of Article.	Value on which duty is assessed.	Rate of duty.
34	*Liquor*—	Rs. A.	
	Ale, Beer and Porter ... ... } Cider and other fermented Liquors }	.....	One Anna per Imperial Gallon.
	Spirits	... ...	Three Rupees the Imperial Gallon, and the duty to be rateably increased as the strength exceeds London Proof. Provided that ten per cent. *ad valorem* shall be charged on all spirits used exclusively in Arts and Manufactures, or in Chemistry, subject to such rules as the Local Governments shall from time to time prescribe, for ascertaining that such spirits are unfit for use as a beverage, and incapable of being converted to that purpose. And the Officer in charge of the Custom House, subject to the general instructions of the Local Government, shall decide what spirits fall within the proviso, and his decision thereon shall be final in law.
	Wines—		
	Champagnes, Sparkling Wines and Liqueurs	... ...	1-8 per Impl. Gal. or 6 Qt. Bottles.
	All other sorts	... ...	1-0 per ditto.
35	*Marble, Wrought, other than Statuary.*	Ad valorem	Seven and a half per cent.
36	*Mats, Floor Matting, China of all Sorts.*	50 0 per hundred...	Seven and a half per cent.
37	*Metals, Unwrought, Wrought, and Manufactures of*—		
	Brass Beads, Googree, China	0 12 per thousand...	Seven and a half per cent.
	,, Old	35 0 per cwt.	
	,, Sheets, rolls, very thin	80 0 ,,	
	Copper, Australian	48 0 ,,	
	,, Bolt	50 0 ,,	
	,, Brazier's	50 0 ,,	
	,, China Cash	30 0 ,,	
	,, Japan	48 0 ,,	
	,, Nails and Composition Nails...	45 0 ,,	
	,, Old	40 0 ,,	
	,, Pigs and Slabs, Foreign ...	45 0 ,,	
	,, Sheet, Sheathing, and Plate ...	50 0 ,,	
	,, Tiles, Ingots, Cakes & Bricks.	47 0 ,,	
	,, China White Copper-ware ...	1 4 per lb.	
	,, Foil Dauk-pana China ...	3 0 per book of 100 leaves.	
	,, ,, ,, Europe ...	4 0 ,,	
	Iron, Beams	Ad valorem.	One per cent.
	Flat, Square and Bolt, including Scotch...	85 0 per ton.	
	,, Hoop, Plate, and Sheet ...	115 0 ,,	
	,, Nails	10 0 per cwt.	
	,, Nail Rod	95 0 per ton.	
	,, Old	2 8 per cwt.	
	,, Pig	40 0 per ton.	
	,, Rod, round, British and [illegible]		

IMPORT TARIFF.—(*Continued.*)

No.	Description of Article.	Value on which duty is assessed.	Rate of duty.
	Metals, &c.—(*Continued.*)	Rs. A.	
	Other sorts, except Anchors, Cables, and Kentledge which are free	Ad valorem.	Seven anda half per cent.
	Lametta, Double reels...	4 8 per score.	
	,, Single reels...	2 4 ,,	
	Lead, Pig	10 0 per cwt.	
	,, Pipes	13 8 ,,	
	,, ,, Tinned	16 0 ,,	
	,, Sheets (other than thin Sheets for Tea Canisters which are free)..	12 0 ,,	
	Ore Galena	13 0 ,,	
	Mock Gold Leaf	5 0 per 20 books.	
	Orsidue or Brass Leaves, Foreign, Europe	1 4 per lb.	
	,, China...	0 12 ,,	
	Patent or Yellow Metals, Sheathing and Sheets	42 0 per cwt.	
	Do. do. Old	32 0 ,,	
	Quicksilver	1 0 per lb.	
	Shot, Bird	15 0 per cwt.	
	Spelter Nails	17 8 ,,	
	,, Plate and other shapes ...	11 0 ,,	
	,, Sheet or Zinc Sheathing ...	15 0 ,,	
	Steel, blistered	9 0 ,,	
	,, British	9 0 ,,	
	,, Cast	25 0 ,,	
	,, Spring	10 0 ,,	
	,, Swedish	10 0 ,,	
	Tin Block	45 0 ,,	
	,, Plates, large size, box not exceeding 170 lbs. & 100 plates & *pro rata*	24 0	
	,, small size, not exceeding one cwt., and 225 plates and *pro rata* ..	14 0	
	Wire, Brass	0 8 per lb.	
	,, common Iron, Nos. 1 to 40 ...	9 8 per cwt.	
	,, Copper	0 10 per lb.	
	Other sorts, including Hardware, Ironmongery, and Cutlery, but excluding Machinery, the component parts thereof, and Agricultural Implements, which are free	Ad valorem.	
38	*Naval Stores*—		Seven and a half per cent.
	Cables, coir, tarred	10 0 per cwt.	Five per cent.
	Canvas, Country Cotton	50 0 ,,	
	,, Europe Sail, not exceeding 40 yards	15 0 per bolt.	
	Coir, Rope, Maldive and Laccadive ...	10 0 per cwt.	Seven and a half per cent.
	,, Yarn of all kinds	9 0 ,,	
	Cordage, Hemp, Europe	18 0 ,,	
	,, Manilla	20 0 ,,	
	Dammer ,, ...	5 0 ,,	
	Pitch, American and Europe	13 0 per barrel not exceeding 3 cwt.	
	,, Coal	4 8	
	Tar, American...	13 0 Ditto ditto.	
	,, Coal	6 8	
	Swedish and Archangel... ...	14 0	
		0 8 per lb.	

IMPORT TARIFF.—*(Continued.)*

No.	Description of Article.	Value on which duty is assessed.	Rate of duty.
	Oils.—Continued.	Rs. A.	
	Earth	10 0 per cwt.	
	Grass	2 0 per lb.	
	Jingely or Teel	20 0 per cwt.	
	Kerosene	1 12 per Impl. gal.	
	Linseed, Country	18 0 per cwt.	
	,, Europe	2 4 per Impl. gal.	
	Naptha	30 0 per cwt.	Seven and a half per cent.
	Otto, of sorts	20 0 per ounce.	
	Sandalwood...	8 0 per lb.	
	Sorrel	20 0 per cwt.	
	Turpentine...	2 0 per Impl gal.	
	Whale and Fish	15 0 per cwt.	
	Wood	15 0 ,,	
	All other sorts, except Cocum and Slush Fat which are free... ...	Ad valorem.	
40	*Oil and Floor Cloth.* ...	Ad valorem.	Five per cent.
41	*Paints, Colours, and Painter's Materials—*		
	Ochre, all Colours	3 0 per cwt.	
	Paints of sorts	12 0 ,,	
	Prussian Blue, China	0 8 per lb.	
	,, ,, Europe	1 8 ,,	
	Red Lead	14 0 per cwt.	Seven and a half per cent.
	Turpentine	2 0 per Impl. gal.	
	Vermillion, Canton	85 0 } per box of 90	
	,, Macao	30 0 } bundles.	
	White Lead	12 0 per cwt.	
	All other sorts, including Brushes ...	Ad valorem.	
42	*Perfumery—*		
	Attary, Persian	15 0 per cwt.	
	Rose flowers, dried	10 0 ,,	Seven and a half per cent.
	Rose water	1 12 per Impl. gal	
	All other sorts	Ad valorem ...	
43	*Photographic apparatus and materials*	Ad valorem ...	Seven and a half per cent.
44	*Piece Goods, not otherwise described...*	Ad valorem ...	Five per cent.
45	*Porcelain and Earthen-ware* ...	Ad valorem ...	Seven and a half per cent.
46	*Provisions and Oilman's Stores—*		
	Bacon in Canisters, Jowls and Cheeks.	0 9 per lb. [cwt.	
	Beef	60 0 per tierce of 3 / 40 0 per brl. of 2 cwt.	
	Cheese	0 10 per lb.	
	Chocolate	0 8 ,,	
	Cocoa prepared	0 8 ,,	
	Fish Maws	50 0 per cwt.	
	,, Sozille and Singally, small ...	6 0 ,,	
	Flour	25 0 per barrel or sack of 200 lbs.	
	Ghee	36 0 per cwt.	
	Hams	0 8 per lb.	Seven and a half per cent.
	Pork	50 0 per tierce of 3 cwt. and	
		34 0 per barrel of 2 cwt.	
	Sago	7 0 per cwt.	
	Shark fins	20 0	

IMPORT TARIFF.—(*Continued.*)

No.	Description of Article.	Value on which duty is assessed.	Rate of duty.
47	*Railway Materials*—	Rs. A.	
	Of Iron	Ad valorem ...	One per cent.
	Other Sorts	Ad valorem ...	Seven and a half per cent.
48	*Rattans and Canes*—		
	Canes, Malacca	1 0 per dozen.	Seven and a half per cent.
	Rattans	7 0 per cwt.	
	All other sorts	Ad valorem.	
49	*Seeds*—		
	Anchuchuck...	10 0 per cwt.	Seven and a half per cent.
	Anise, Europe	28 0 ,,	
	Assalia	7 0 ,,	
	Cajoo	3 0 ,,	
	Castor	4 8 ,,	
	Cummin	12 0 ,,	
	,, black	5 0 ,,	
	Esubgool	5 0 ,,	
	Linseed	5 0 ,,	
	Methee	5 0 ,,	
	Mustard	4 8 ,,	
	Quince Seed or Badana ...	50 0 ,,	
	Rape or Sursee	4 8 ,,	
	Sawjeerah	25 0 ,,	
	Tookmeria	7 0 ,,	
	All other sorts excepting Seeds imported by any Public Society for gratuitous distribution, which are free...	Ad valorem.	
50	*Shawls*	Ad valorem.	Five per cent.
51	*Shells*—		
	Chanks, "large shells," for Cameos..	10 0 per hundred.	Seven and a half per cent.
	,, White, live... ...	6 0 ,,	
	,, ,, dead... ...	3 0 ,,	
	Cowdas, Mozambique and Zanzibar.	3 0 ,,	
	,, from other places... ...	0 8 ,,	
	Cowries—		
	Bazar, common... ...	4 0 per cwt.	
	Maldive...	16 0 ,,	
	Sunkley...	40 0 ,,	
	Yellow, superior quality ...	8 0 ,,	
	Mother o'Pearl...	8 0 ,,	
	Tortoise Shell	6 0 per lb.	
	,, Nuck	1 0 ,,	
	Nuckla and other sorts... ...	Ad valorem.	
52	*Silk*—		
	Floss...	8 0 per lb.	Seven and a half per cent.
	Raw, Charon and Cochin-China ...	4 0 ,,	
	,, Mathow...	1 12 ,,	
	,, other kinds of China... ...	7 0 ,,	
	,, Persian	5 0 ,,	
	,, Punjum and Cutchra... ...	1 12 ,,	
	,, Siam...	4 0 ,,	
	Sewing Thread, China	8 0 ,,	
	Other sorts	Ad valorem.	
	Silk Piece Goods of sorts	Ad valorem. ...	Five per cent.
	Fleece Goods ... Braid	Ad valorem.	Seven and a half per cent.

IMPORT TARIFF.—*(Concluded.)*

No.	Description of Article.	Value on which duty is assessed.	Rate of duty.
	Spices.—(Continued.)	Rs. A.	
	Betel-nut in husk... ...	2 0 per thousand.	Seven and a half per cent.
	Cassia Buds, Nagkessur, China. ...	0 8 per lb.	
	Chillies, dried	8 0 per cwt.	
	Cloves...	12 0 ,,	
	,, in Seeds, Nurlavung... ...	8 0 ,,	
	Mace	0 9 per lb.	
	,, false...	10 0 per cwt.	
	Nutmegs...	0 10 per lb.	
	,, in shell...	0 6 ,,	
	Nutmegs, wild...	12 0 per cwt.	
	Pepper, Black and Long... ...	15 0 ,,	
	,, White...	25 0 ,,	
	All other kinds...	Ad valorem.	
55	*Stationery other than Paper.* ...	Ad valorem ...	Seven and a half per cent.
56	*Sugar and Sugar Candy—*		
	Sugar Candy, China...	20 0 per cwt.	Seven and a half per cent.
	,, Loaf	23 0 ,,	
	,, Soft...	12 0 ,,	
	All other sorts of Saccharine produce.	Ad valorem.	
57	*Tallow and Grease.*	20 0 per cwt. ...	Seven and a half per cent.
58	*Tea...*	1 0 per lb. ...	Seven and a half per cent.
59	*Telegraph Stores—*		
	Of Iron...	Ad valorem	One per cent.
	Other sorts...	Ad valorem	Seven and a half per cent.
60	*Timber and Woods—*		
	Deal or Pine Planks and Boards, superficial square foot, and one inch thickness...	55 0 per thousand feet.	Seven and a half per cent.
	Mahogany in logs...	0 6 per superficial foot of one inch thickness.	
	Ditto Australian...	60 0 per ton.	
	Sandalwood	22 0 per cwt.	
	,, Australian and Bastard...	4 0 ,,	
	All other sorts, excepting Ebony, Lignum Vitæ, Tuggurwood and Palmyra Wood which are free ...	Ad valorem.	
	Manufactures of, including also Pipes, Stave and Casks...	Ad valorem.	
61	*Tobacco—*		
	Manufactured	Ad valorem.	Ten per cent.
	Unmanufactured... ...	Ad valorem.	
	Articles such as Pipes, &c., used in consumption of	Ad valorem ...	Seven and a half per cent.
62	*Toys and Requisites for all Games.*	Ad valorem. ...	Seven and a half per cent.
63	*Trunks and Boxes.*	Ad valorem ...	Seven and a half per cent.
64	*Umbrellas—*		
	Cotton, Steel Ribs...	0 13 each.	Seven and a half per cent.
	,, Cane Ribs... ...	0 11 ,,	
	,, China Paper Kettisals. ...	45 0 per box of 110.	
	All other sorts	Ad valorem.	
65	*Woollen Goods—*		

SCHEDULE B.

EXPORT TARIFF.

No.	Description of Article.	Value on which duty is assessed.	Rate of duty.
		Rs. A.	
1	*Indigo*...	.....	Three Rupees per Maund.
2	*Grain of all sorts.*	.....	Three Annas per Maund.
3	*Lac*—		
	Button...	28 0 per cwt.	Four per cent.
	Dye...	45 0 ,,	
	Seed	20 0 ,,	
	Shell...	28 0 ,,	
	Stick...	16 0 ,,	
	Other sorts...	Ad valorem.	
4	*Oils*—		
	Castor...	16 0 per cwt.	Three per cent.
	Cocoanut...	20 0 ,,	
	Fish...	15 0 ,,	
	Grass...	2 0 per lb.	
	Jingeely or Teel...	20 0 per cwt.	
	Linseed...	18 0 ,,	
	Mhowa...	12 0 ,,	
	Mustard...	16 0 ,,	
	Poppy...	20 0 ,,	
	Rape or Sursee... ...	16 0 ,,	
	Sandalwood...	8 0 per lb.	
	Other sorts	Ad valorem.	
5	*Seeds*—		
	Castor Seed (Erundee)... ...	4 8 per cwt.	Three per cent.
	Coriander Seed...	4 0 ,,	
	Cummin Seed...	12 0 ,,	
	,, Black (Caleejeera)... ...	5 0 ,,	
	Ground Nuts, with shell... ...	5 0 ,,	
	,, without shell... ...	6 0 ,,	
	Jingeely or Teel Seed...	6 0 ,,	
	Linseed...	5 0 ,,	
	Methee Seed... ..	5 0 ,,	
	Mustard Seed...	4 8 ,,	
	Poppy Seed...	5 8 ,,	
	Rape or Sursee Seed... ...	4 8 ,,	
	Other sorts...	Ad valorem.	
6	*Shawls*...	Ad valorem ...	Three per cent.
7	*Cotton Goods*—		
	Piece Goods—		
	Baftahs...	30 0 per score.	Three per cent.
	Gurrah... ...	20 0 ,,	
	Kharwah...	25 0 ,,	
	Mamoodie...	32 0 ,,	
	Mirzapore Chintz... .	15 0 ,,	
	Patna	30 0 ,,	
	Shans	40 0 ,,	
	Tunjeeb, Oude...	26 0 ,,	
	...	Ad valorem.	
		0	

EXPORT TARIFF.—*(Concluded.)*

No.	Description of Article.	Value on which duty is assessed.	Rate of duty.
		Rs. A.	
8	*Hides and Skins Tanned*—		
	Hides—		
	Buffalo, Country, Tanned ...	70 0 per score.	Three per cent.
	Cow " ...	50 0 "	
	Skins— ...		
	Goat and Sheep " ...	10 0 "	
	Lamb " ...	5 0 "	
	Any other sorts of Hides and Skins...	Ad valorem.	
9	*Spices*—		
	Aloe Wood	3 0 per lb.	Three per cent.
	Betelnut in husk	2 0 per 1,000.	
	Cardamoms	200 0 per cwt.	
	" large, Bastard ...	40 0 "	
	Chillies, dried	8 0 "	
	Ginger, dry (rough) Malabar ...	10 0 "	
	" " " Bengal ...	7 0 "	
	" (Scraped)	15 0 "	
	Pepper	15 0 "	
	Turmeric	7 0 "	
	All other sorts	Ad valorem.	

ACT No. XVIII OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 8th March* 1867.)

An Act to define the jurisdiction of the Courts of Civil Judicature in the Jhansi Division.

Preamble.

Whereas it is expedient to define the jurisdiction of the Courts of Civil Judicature in the Jhánsí Division; It is hereby enacted as follows:—

Short title.

1. This Act shall be called "The Jhánsí Courts' Act, 1867."

Certain rules for administration of Civil Justice in Jhánsí Division to cease to have effect.

2. So much of the rules passed by the Government of the North-Western Provinces, for the administration of Civil justice within the districts of the Jhánsí Division, as were continued in force by Act No. XXIV of 1864 (*relating to the administration of certain districts under the Government of the Lieutenant-Governor of the North-Western Provinces*), Section 2, shall cease to have effect in the said districts from the thirtieth day of June 1867.

Certain rules regarding jurisdiction and procedure of Revenue officers in Jhánsí to cease to have effect.

3. So much of the rules passed by the Government of the North-Western Provinces, relating to the jurisdiction and procedure of Revenue officers within the districts of the Jhánsí Division, and confirmed by the said Act No. XXIV of 1864, Section 1, as directed that suits regarding landed property should be heard by the Revenue Courts, shall, from the date of this Act coming into operation, cease to have effect in the said districts with regard to all such suits except

[PRICE 1 ANNA AND 3 PIES.]

except summary suits. And so much of the said rules as relates to summary suits in the Revenue Courts whether as Courts of first instance or appeal, shall remain in force until the said Government shall by Notification in the official *Gazette* declare otherwise.

Interpretation Clause.

4. In this Act—

"High Court."

"Lieutenant-Governor."

"Assistant Commissioner."

"High Court" means the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William in Bengal; "Lieutenant-Governor" means the Lieutenant-Governor of the said Provinces, and "Assistant Commissioner" includes Extra Assistant Commissioner.

"District."

"District Court."

"Division."
Divisional Court.

5. For the purposes of this Act, the local jurisdiction of a Deputy Commissioner shall be deemed a District, and the Court of such Deputy Commissioner shall be deemed the District Court. The local jurisdiction of a Commissioner shall, in like manner, be deemed a Division, and his Court a Divisional Court.

Grades of Courts in the Jhánsí Division.

6. There shall be seven grades of Courts in the Jhánsí Division, which shall be in addition to any Courts of Small Causes, and to any other Courts established under any Act which may hereafter be passed, *viz* :—

(1.) The Court of the Tahsildar of the second class:

(2.) The Court of the Tahsildar of the first class:

(3.) The Court of the Assistant Commissioner of the second class:

(4.) The Court of the Assistant Commissioner of the first class:

(5.) The Court of the Deputy Commissioner:

(6.) The Court of the Commissioner:

(7.) The High Court.

Lieutenant Governor may declare grade to which a Tahsildar or Assistant Commissioner belongs.

7. The Lieutenant-Governor shall have power to declare to which of the said grades any Tahsildar and any Assistant Commissioner in the said Division shall belong.

Jurisdiction of Court of Tahsildar of the second class.

8. The Court of the Tahsildar of the second class shall have power to try and determine suits of every description in which the subject-matter does not exceed one hundred Rupees in value or amount.

9. The

Jurisdiction of Court of Tahsildar of the first class.

9. The Court of the Tahsildar of the first class shall have power to try and determine suits of every description in which the subject-matter does not exceed three hundred Rupees in value or amount.

Jurisdiction of Court of Assistant Commissioner of the second class.

10. The Court of the Assistant Commissioner of the second class shall have power to try and determine suits of every description in which the subject-matter does not exceed one thousand Rupees in value or amount.

Jurisdiction of Court of Assistant Commissioner of the first class.

11. The Court of the Assistant Commissioner of the first class shall have power to try and determine suits of every description in which the subject-matter does not exceed five thousand Rupees in value or amount.

Jurisdiction of Court of Deputy Commissioner.

12. The Court of the Deputy Commissioner shall have power to try and determine suits of every description and of any amount, and to hear appeals from the original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Courts of the first, second, and third grades.

Jurisdiction of Court of Commissioner

13. The Court of the Commissioner shall have power to hear and determine appeals from the original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Courts of the fourth and fifth grades.

Appellate jurisdiction of High Court.

14. The High Court shall have power to hear and determine appeals from original decisions in suits and (where an appeal is allowed by the Code of Civil Procedure) from the orders of the Commissioner, and also applications for a special appeal as provided in the said Code, from the decisions passed in regular appeal by the Deputy Commissioners and by the Commissioner of the Division.

Time for presenting appeals.

15. The Memorandum of appeal prepared in the form, and containing the particulars mentioned in the Code of Civil Procedure, shall be presented in the Court empowered to hear the appeal within the period hereinafter specified, unless the appellant shall show sufficient cause to the satisfaction of such Court for not having presented the Memorandum of appeal within the said period; that is to say, thirty days, if the appeal lie to the Deputy Commissioner; six weeks, if the appeal lie to the Commissioner of the Division; and ninety days, if the appeal lie to the High Court.

The

The period shall be reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of the decree or order from which the appeal is made. Memoranda of special appeal shall be presented in the High Court within the period hereinbefore fixed for appeals.

Extraordinary original jurisdiction

16. The High Court shall have power to remove and to try and determine as a Court of extraordinary original jurisdiction any suit being or falling within the jurisdiction of any Court in the said Division, when the High Court shall think proper to do so, either on the agreement of the parties to that effect or for purposes of justice, the reasons for so doing being recorded on the proceedings of the High Court.

High Court to superintend and to frame rules of practice for Subordinate Courts

17. The High Court shall have superintendence over all Courts in the said Division, and shall have power to call for returns, and to make and issue general rules for regulating the practice and proceedings of such Courts, and also to prescribe forms for every proceeding in the said Courts for which it shall think necessary that a form be provided, and also for keeping all books, entries, and accounts to be kept by the Officers, and also to settle tables of fees to be allowed to the Attorneys, Vakils, and all Clerks and Officers of such Courts, and from time to time to alter any such rule or form or table; and the rules so made, and the forms so framed, and the tables so settled, shall be used and observed in the said Courts provided that such general rules and forms and tables be not inconsistent with the provisions of any law in force, and shall before they are issued have received the sanction of the Lieutenant-Governor.

Lieutenant-Governor may invest any one with powers of Commissioner or of Deputy Commissioner.

18. Whenever the state of the public business requires it, the Lieutenant Governor shall have power to invest any person with the powers of a Commissioner or of a Deputy Commissioner in any part of the Jhansi Division.

Court in which suit shall be instituted.

19. Every suit shall be instituted in the Court of the lowest grade competent to try it: provided that no suit cognizable by a Court of Small Causes shall be heard or determined in any other Court having any jurisdiction within the local limits of the jurisdiction of such Court of Small Causes.

Appeal to lie from all decisions, except when expressly prohibited.

20. Except when otherwise provided in any Regulation or Act for the time being in force, an appeal shall lie from the decisions of the Courts of original jurisdiction to the Courts authorized by this Act to hear appeals from the decisions of those Courts.

21. The

21. The Deputy Commissioner may direct the business in the Courts subordinate to him, holding their sittings at the same place, to be distributed among such Courts in such way as he shall think fit. Provided that no Court shall try any suit in which the amount or value of the claim shall exceed its proper jurisdiction.

Deputy Commissioner may distribute business among subordinate Courts.

22. The Commissioner of the Division or the Deputy Commissioner may withdraw any suit instituted in any Court subordinate to him, and try such suit himself, or refer it for trial to any other such subordinate Court and competent in respect of the value or amount of the suit to try the same. The Commissioner of the Division may also withdraw any appeal instituted in the Court of any Deputy Commissioner subordinate to him, and try the appeal himself, or refer it for trial to the Court of any other Deputy Commissioner in his Division.

Transfer of suits from subordinate Court to Commissioner's or Deputy Commissioner's Court.

23. The High Court may order that the cognizance of any suit or appeal which shall be instituted in any Court subordinate to such High Court, not being a Court of Small Causes, shall be transferred to any other such subordinate Court, competent in respect of the value or amount of the subject-matter of the suit or appeal to try the same.

High Court may transfer suits from one subordinate Court to another.

24. If the suit be for any immoveable property situate within the limits of different District Courts within the same Division, the suit may be brought in any Court otherwise competent to try it within the jurisdiction of which any portion of such property is situate; but in such case the Court in which the suit is brought shall apply to the Commissioner of the Division for authority to proceed with the suit; and the Commissioner, after hearing the objections, if any, of the defendant, may give such authority. If the suit is brought in any Court subordinate to the Court of the Deputy Commissioner, the application shall be submitted to the Commissioner of the Division through the Deputy Commissioner to whom such Court is subordinate.

Suits for immoveable property situate in different districts.

25. If the District Courts within the limits of whose jurisdiction any immoveable property sued for is situate are subordinate to different Commissioners, application for authority to proceed with the suit shall be made to the Commissioner of the Division to whom the District Court in which the suit is brought is subordinate,

Suits for immoveable property situate in districts subject to different Commissioners.

ordinate, and such Commissioner may, after hearing the objections, if any, of the defendant, give authority to proceed with the suit.

Commencement of Act.

26. This Act shall come into operation on such day as the said Government shall declare by Notification in the official *Gazette*.

Madras—Printed by H. MORGAN, at the Fort St. George Gazette Press.

ACT No. XIX of 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 8th March* 1867.)

An Act to make further provision for the administration of Justice in the District of Darjiling.

Preamble.

Whereas it is expedient to make further provision for the administration of justice in the District of Darjiling ; It is hereby enacted as follows:—

Repeal of Act X. of 1863.

1. Act No. X. of 1863 *(to improve the administration of justice in the District of Darjiling)* is hereby repealed.

High Court at Fort William to exercise jurisdiction over Darjiling.

2. The High Court of Judicature for the Bengal Division of the Presidency of Fort William shall have and exercise, with regard to the District of Darjiling, all such jurisdiction and powers as it has and exercises with regard to any other territory.

[PRICE 6 PIES.]

Madras—Printed by H. Morgan, at the Fort St. George Gazette Press.

ACT No. XX OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 8th March* 1867.)

An Act to authorize the transhipment, without payment of duty, of goods imported into Calcutta, Madras, and Bombay, by Steamers.

Preamble.

Whereas in transhipping goods imported by Steamers in Calcutta, Madras, and Bombay, and destined for other ports, delay arises from the necessity of paying duty and obtaining drawback in respect of such goods, or of entering into a bond as required by Section 110 of Act No. VI. of 1863 (*to consolidate and amend the laws relating to the administration of the Department of Sea Customs in India*) if duty is not paid: And whereas it is expedient to diminish such delay so far as may be practicable; It is hereby enacted as follows :—

Power to permit transhipment without payment of duty.

1. Subject to such rules as may from time to time be prescribed by the Local Government, the Chief Officer of Customs of the port of Calcutta, Madras, or Bombay, as the case may be, may, on application of any person interested as owner, agent, consignee, or otherwise in any goods imported by Steamers into Calcutta, Madras, or Bombay, as the case may be, grant leave to tranship the same without payment of duty at the port of transhipment, and without any security or bond for the due arrival and entry of the goods at the port of destination, when such goods have been specially and distinctly manifested or declared at the time of import as for transhipment to any other British Indian or foreign port.

2. A

[PRICE 6 PIES.]

2. A transhipment fee on each bale or package of goods so transhipped shall be levied at such rates and under such regulations as may from time to time be prescribed by the Local Government. All such rates and regulations shall be published in the local *Gazette*.

Levy of transhipment fee.

3. This Act shall be read as part of the said Act No. VI. of 1863, and shall not be constructed as in any respect limiting the power of the Customs Officers to levy duty, or to require such bonds and other securities as are authorized by the said Act.

This Act to be read as part of Act VI. of 1863.

4. Nothing in this Act shall apply to the transhipment of Salt or Opium.

This Act not to apply to Salt and Opium

Madras—Printed by H. MORGAN, at the Fort St. George Gazette Press.

ACT No. XXI of 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 8th March* 1867.)

An Act for the Licensing of Professions and Trades.

Preamble.

WHEREAS it is expedient that persons exercising professions and trades in British India should take out licenses and pay for the same; It is hereby enacted as follows:—

Preliminary.

Interpretation clause.

1. In this Act—unless there be something repugnant in the subject or context—

"British India."

"British India" means the territories which are or may be vested in Her Majesty or Her Successors by the Statute 21 & 22 Vic., cap. 106 (*An Act for the better Government of India*), other than the Settlement of Prince of Wales' Island, Singapore and Malacca:

"Magistrate."

"Magistrate" means any person exercising the powers of a Magistrate, or of a Subordinate Magistrate of the first class, and includes a Magistrate of Police and a Justice of the Peace:

Number.
Gender.

Words in the singular number include the plural and *vice versâ*. Words denoting the masculine gender include females:

"Local Government."

And in every part of British India in which this Act shall operate, "Local Government" shall mean the person authorized by law to administer Executive Government in such part, and shall include a Chief Commissioner.

Saving of other laws relating to licenses or taxes.

2. Nothing in this Act shall be construed to affect the provisions of any other law relating to licenses or taxes.

3. Nothing

PRICE FIVE ANNAS.

Act not to apply to certain Officers of the Army and Police, nor to cultivators of land.

3. Nothing in this Act shall be deemed to apply to—

(1). Officers of Her Majesty's Forces or of Her Majesty's Indian Forces, whose pay and allowances do not exceed Rupees 6,000 per annum, and who shall not be in Civil employment other than employment in the Police:

(2). Non-Commissioned Officers and Privates of either of the said Forces, and who shall not be in Civil employment other than employment in the Police:

(3). Officers of any Police Force whose pay and allowances shall be less than the pay and allowances of a Captain of Infantry in Her Majesty's Forces in India:

(4). Persons in the employment of Government whose annual receipts shall be less than Rupees 1,000:

nor to any cultivator of land as such in respect of the sale of the produce of his land, when he shall not keep a shop for the sale of such produce.

Power to exempt from operation of Act.

4. It shall be lawful for the Governor General of India in Council from time to time, by order, wholly to exempt from the operation of this Act any part of British India, or any tribe, class of persons or person dwelling or personally working for gain or carrying on business in British India or in any such part; or to authorize, in the case of any such class or person, all or any part of the sums or sum paid by such class or person under the provisions of any Municipal or other local law for the time being in force, on or before the first day of May in each year, as a tax, by way of charge for a license or otherwise, on the exercise of any trade or profession, to be deducted from the sums or sum which, in the absence of such authorization, would have been payable under the provisions of this Act. All orders and revocations made under this Section shall be published in the *Gazette of India* and also in the local *Gazette*.

Licenses.

Annual licenses to be taken out.

5. Every person who shall, on and after the first day of May 1867, exercise any profession or trade in British India, and whose annual profits shall be Rupees 200 or upwards, shall take out a license and shall pay for the same such annual sum as is mentioned in Schedule

A to this Act annexed: provided that, for any such license which shall be granted between the first day of November in each year, and the thirtieth day of April next ensuing, there shall be paid only one-half of such sum. Subject to the provision contained in Section 3 of this Act, every person holding any office or employment of profit shall be deemed to be, in respect of the salary, fees, wages, perquisites and profits of such office or employment, a person exercising a profession or trade within the meaning of this Act.

Officer to grant license.

6. Every license under this Act shall be granted by the Collector of Land Revenue of the district or place in which the person requiring such license shall exercise his profession or trade: provided that, if such person shall exercise his profession or trade in more than one district or place, the license shall be granted by the Collector of the district or place in which his principal place of business in British India shall be situate. Every such license shall be signed by the Collector granting it, or by any Assistant or Deputy Collector under the Collector's orders, and the Courts shall take judicial notice of such signature.

Particulars to be specified in the license

7. Every such license shall specify—

(1). The date of the grant thereof:

(2). The name and profession or trade of the licensee:

(3). The sum paid for the license: and

(4). The place or places where the licensee intends to exercise his profession or trade for the ensuing year;

and shall be received in evidence as *primâ facie* proof of all matters contained therein.

Commencement and expiration of license.

8. Every such license shall have effect and continue in force from the day of the date thereof till the thirtieth day of April next after the day of the granting thereof.

Renewal of license.

9. Every person to whom any such license shall have been granted and who shall desire to continue to exercise his profession or trade after the expiration thereof, shall take out a fresh license for that purpose for the following year, to expire on the day appointed in the last preceding Section, and shall renew the same so long as he shall desire to continue to exercise such profession or trade.

10. The

10. The Collector shall from time to time determine under which of the classes mentioned in Schedule A to this Act annexed every person to whom a license may be granted by him as aforesaid shall be assessed.

Collector to determine class under which licensee is to be assessed.

List of Licensees.

11. As soon as may be after the first day of May 1867 and the same day in every subsequent year, the Collector shall prepare a list of the persons licensed under this Act in the district or place aforesaid. Such list shall state—

Collector to prepare annual list of licensees.

(1). The profession or trade of each of the persons therein named:

(2). The class under which he is assessed: and

(3). The sum paid for his license.

Such list shall be filed in the office of the Collector, and the list, or such part or parts thereof as he shall think fit, shall be filed in such other places as the Collector shall direct, and shall be open to public inspection at all reasonable times, without the payment of any fee.

12. Any person named in such list and objecting to the class under which he is assessed, shall be at liberty, within thirty days after the filing of the said list, to apply by petition to the Collector in order to establish his right to have his name transferred to another class or altogether removed from the list. The petition shall bear a stamp of eight annas: it shall be in the form contained in Schedule C to this Act annexed, or as near thereto as circumstances will admit; and the statements therein contained shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints. Whoever makes a statement in any such petition which is false, and which he either knows or believes to be false, or does not believe to be true, shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

Objection to list

Petition of objector.

13. The Collector shall fix a day for the hearing of the petition, and, on the day so fixed, shall hear such petition and pass such order thereupon as to him shall seem fit. Any person dissatisfied with such order may, within fifteen days from the date thereof, present an appeal in writing to the Commissioner of Revenue of the Division

Hearing of petition

Appeal from order on petition

Division, whose decision upon such appeal shall be final. Every appeal preferred under this Section shall bear a stamp of one Rupee, and shall be accompanied by a copy of the petition, the Collector's order thereon, and all other documents (if any) connected with the case.

Power to summon persons to give necessary information.

14. The Collector or Commissioner may summon any person whom he shall think able to give evidence for the purpose of enabling him to determine under which of the said classes the petitioner should be assessed, and may examine on oath or affirmation the person so summoned and the petitioner, and may require each of them to produce any documents in his possession or power relating to the petitioner or to the amount of the annual profits accruing from his profession or trade. In Sections 193 and 228 of the Indian Penal Code, the words "judicial proceeding" shall be taken to include any proceeding under this Act.

Sections 193 and 228 of Penal Code to apply to proceedings under this Act.

Penalties.

Penalty for carrying on business without a license.

15. If after the said first day of May 1867, any person shall exercise his profession or trade without having taken out a license as required by this Act, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding five times the amount which in the judgment of the Magistrate would have been payable by such person in respect of a license duly taken out as aforesaid.

License to be produced on demand.

16. Every person required by this Act to take out a license, who shall without reasonable excuse neglect or refuse to produce and show his license when required so to do by an officer generally or specially empowered in writing by the Collector to make such requisition, shall, on conviction before a Magistrate, be liable to a penalty not exceeding one hundred Rupees.

Mode of recovering penalties.

17. All penalties imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras or Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

18. No

18. No person shall be proceeded against for any offence under Section 15 or Section 16 of this Act except at the instance of the Collector.

Prosecution to be at instance of Collector.

Miscellaneous.

19. On and after the thirtieth day of April 1867, every Trading Company or Association in British India whose stock or funds is or are divided into shares and transferable, whether such Company or Association be incorporated or not, and whether the principal place of business of such Company or Association be situate in British India or not, shall take out a license and pay for the same such annual sum as is mentioned in Schedule B to this Act annexed. Provided that, for any such license which shall be granted between the first day of November in each year and the thirtieth day of April next ensuing, there shall be paid only one-half of such sum. When such Company or Association shall have taken out and paid for a license as aforesaid, no person shall be deemed to exercise a trade within the meaning of this Act solely by reason of any share or interest in such Company or Association. All the other provisions of this Act applicable to individuals shall apply, *mutatis mutandis*, to such Companies or Associations.

Provision as to Trading Companies.

20. Every person holding any paid office, employment or commission under Her Majesty or under the Government of India, or under any Local Government, other than the persons exempted under Section 3 or by order under Section 4 of this Act, shall be deemed to exercise a profession within the meaning of this Act; provided that he shall not be required to take out a license under this Act; and the sum which but for this proviso he would have paid for a license shall be deducted from his pay on the first day of June 1867 and on the first day of May in every subsequent year by the Examiner of Claims or other proper officer, and shall be deemed to be a tax raised under this Act. Nothing in the former part of this Section shall apply to any person holding any such office, employment or commission, and permitted, nevertheless, to exercise a profession or trade; but in determining under which of the classes mentioned in the said Schedule A any such person shall be assessed, the Collector shall take into consideration the amount of the pay which such person shall receive in respect of such office, employment or commission.

Provision as to Government officials.

21. All

Payment of taxes raised and penalties recovered under this Act.

21. All taxes raised and penalties recovered under this Act shall be paid to the credit of the Government of India, or as such Government shall from time to time direct.

Powers of Collector and Commissioner under this Act may be exercised by other officers.

22. All or any of the powers and duties conferred and imposed by this Act on a Collector, an Assistant or Deputy Collector, and a Commissioner of Revenue, may be exercised and performed by such other officers or persons as the Local Government shall from time to time appoint in this behalf. Every person shall be legally bound to furnish information to any officer or person so appointed when required by him to do so.

Local Government empowered to make rules.

23. The Local Government may, from time to time, with the previous sanction of the Governor General of India in Council, make rules for the guidance of officers in matters connected with the enforcement of this Act, provided that such rules are not inconsistent with any of the provisions herein contained.

SCHEDULE A.

ACT No. XXI of 1867.

SCHEDULE A.

LICENSE ON PROFESSIONS AND TRADES.

Class I.

	Rupees.
Persons whose annual profits shall be assessed at Rupees 25,000 and upwards	500

Class II.

Persons whose annual profits shall be assessed at Rupees 10,000, or at more than Rupees 10,000 and less than Rupees 25,000	200

Class III.

Persons whose annual profits shall be assessed at Rupees 5,000, or at more than Rupees 5,000 and less than Rupees 10,000	100

Class IV.

Persons whose annual profits shall be assessed at Rupees 1,000, or at more than Rupees 1,000 and less than Rupees 5,000...	20

Class V.

Persons whose annual profits shall be assessed at Rupees 500, or at more than Rupees 500 and less than Rupees 1,000	10

Class VI.

Persons whose annual profits shall be assessed at Rupees 200, or at more than Rupees 200 and less than Rupees 500	4

SCHEDULE B.

LICENSE ON COMPANIES.

	Rupees.
Every Company whose stock or funds is or are divided into shares and transferable with a paid up capital exceeding ten lákhs or £100,000 ...	2,000
Every such Company with a paid up capital exceeding five lákhs or £50,000 and not exceeding ten lákhs or £100,000	1,000
Every other such Company duly registered, which in the half-year next preceding the date of its license shall have paid a dividend at or above the rate of five per cent. *per annum;* and whose profits for the year preceding such date shall have exceeded Rupees 10,000	500

SCHEDULE C.

BENGAL SECRETARIAT LIBRARY

ACT No. XXI of 1867.

SCHEDULE C.

Form of Petition under Section 12.

Stamp eight annas.

To the Collector of

The *day of* 186 .

The petition of *A. B.* of

Sheweth—

1*st*.—That in the list of the persons licensed under "the Indian Licenses' Act, 1867," and filed in your office pursuant to the 11th Section of the same Act on the day of 186 , your petitioner's name appears under the third of the classes mentioned in Schedule A to the said Act annexed, that he has been assessed in the sum of Rupees 100 for the license granted to him under such Act, and that he has paid such sum accordingly.

2*nd*.—That the profits of your petitioner's profession [*or* trade] of [*here state petitioner's profession or trade*] for the year ending the thirtieth day of April last were Rupees [*less than Rupees* 5,000 *and more than Rupees* 1,000], as will appear from the documents marked presented herewith, and to which your petitioner craves leave to refer.

Your petitioner therefore prays that you will remove his name from the third to the fourth of the said classes, that he may be assessed accordingly, and that the excess of Rupees 80 so paid by him may be refunded.

(Signed) *A. B.*

Form of Verification.

I, *A. B.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) *A. B.*

Office Supdt. Govt. Printing.—No.173L. C.—29 3-67.—5,000.

ACT No. XXII OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the* 15*th March* 1867.)

An Act for the regulation of Public Sarais and Puraos.

Preamble.

Whereas it is expedient to provide for the regulation of public Sarais and Puraos; it is hereby enacted as follows:—

Repeal of Bengal Regulation XIV of 1807, Section 11, Clause 5.

1. Regulation XIV of 1807 of the Government of the Presidency of Fort William in Bengal, Section 11, Clause 5, is hereby repealed so far as it applies to public Sarais in the territories to which this Act may from time to time apply.

Interpretation Clause.

2. In this Act—unless there be something repugnant in the subject or context—

"Sarai."

"Sarai" means any building used for the shelter and accommodation of travellers, and includes, in any case in which only part of a building is used as a Sarai, the part so used of such building. It also includes a Purao so far as the provisions of this Act are applicable thereto:

"Keeper of a Sarai."

"Keeper of a Sarai" includes the owner and any person having or acting in the care or management thereof:

"Magistrate of the District."

"Magistrate of the District" means the chief officer charged with the executive administration of a district in criminal matters whatever may be his designation;

Words

[PRICE 1 ANNA AND 3 PIES.]

Words in the singular include the plural, and *vice versa*; and in any place in which this Act shall operate, "Local Government" shall mean the person administering Executive Government in such place, and shall include a Chief Commissioner and the Commissioner in Sind.

Number.

"Local Government."

3. Within six months after this Act shall come into operation, the Magistrate of the District in which any Sarai to which this Act shall apply may be situate shall, and from time to time thereafter such Magistrate may, give to the keeper of every such Sarai notice in writing of this Act, by leaving such notice for the keeper at the Sarai; and shall by such notice require the keeper to register the Sarai as by this Act provided. Such notice may be in the form in the Schedule to this Act annexed or to the like effect.

Notice of this Act to be given to keepers of Sarais

4. The Magistrate of the District shall keep a register in which shall be entered by such Magistrate or such other person as he shall appoint in this behalf, the names and residences of the keepers of all Sarais within his jurisdiction, and the situation of every such Sarai. No charge shall be made for making any such entry.

Registers of Sarais to be kept.

5. After one month after the giving of such notice to register as by this Act provided, the keeper of any Sarai or any other person shall not receive any lodger or allow any person, cattle, sheep, elephant, camel, or other animal, or any vehicle to halt or be placed in such Sarai until the same and the name and residence of the keeper thereof shall have been registered as by this Act provided.

Lodgers, &c., not to be received in Sarais until registered.

6. The Magistrate of the District may, if he shall think fit, refuse to register as the keeper of a Sarai a person who does not produce a certificate of character in such form and signed by such persons as the Local Government shall from time to time direct.

Magistrate may refuse to register keeper not producing certificate of character.

Duties of keepers of Sarais

7. The keeper of a Sarai shall be bound—

(1.) When any person in such Sarai is ill of any infectious or contagious disease, or dies of such disease, to give immediate notice thereof to the nearest Police Station;

(2.) At all times when required by any Magistrate or any other person duly authorized by the Magistrate of the District in this behalf, to give him free access to the Sarai and allow him to inspect the same or any part thereof:

(3.) To

(3). To thoroughly cleanse the rooms and verandahs, and drains of the Sarai, and the wells, tanks, or other sources from which water is obtained for the persons or animals using it, to the satisfaction of and so often as shall be required by the Magistrate of the District, or such person as he shall appoint in this behalf:

(4). To remove all noxious vegetation on or near the Sarai, and all trees and branches of trees capable of affording to thieves means of entering or leaving the Sarai:

(5). To keep the gates, walls, fences, roofs, and drains of the Sarai in repair: and

(6). To provide such number of watchmen as may, in the opinion of the Magistrate of the District, subject to such rules as the Local Government may prescribe in this behalf, be necessary for the safety and protection of persons and animals or vehicles lodging in, halting at, or placed in the Sarai:

(7). To exhibit a list of charges for the use of the Sarai at such place and in such form and languages as the Magistrate of the District shall from time to time direct.

Power to order reports from keepers of Sarais.

8. The keeper of a Sarai shall from time to time, if required so to do by an order of the Magistrate of the District served upon him, report, either orally or in writing as may be directed by the Magistrate, to such Magistrate or to such person as the Magistrate shall appoint, every person who resorted to such Sarai during the preceding day or night. If written reports are required for any space of time exceeding a single day or night, Schedules shall be furnished by the Magistrate of the District to the keeper. The keeper shall from time to time fill up the said Schedules with the information so required, and transmit them to the said Magistrate, in such manner and at such intervals as may from time to time be ordered by him.

Power to shut up, secure, clear, and clean deserted Sarais.

9. If any Sarai by reason of abandonment or of disputed ownership shall remain untenanted, and thereby become a resort of idle and disorderly persons, or become in a filthy or unwholesome state, or be complained of by any two or more of the neighbours as a nuisance, the Magistrate of the District, after due enquiry, may cause notice in writing to be given to the owner, or to the person claiming to be the owner, if he be known and resident within the district, and may also cause such notice to be put on some conspicuous part of the Sarai, requiring the persons concerned therein, whoever they may be, to secure, enclose, clean or clear the same; and if such requisition shall not be complied with within eight days, the Magistrate

Magistrate of the District may cause the necessary work to be executed, and all expenses thereby incurred shall be paid by the owner of the Sarai, and shall be recoverable like penalties under this Act, or, in case of abandonment or disputed ownership of the Sarai, by the sale of any material found therein.

Taking down or repairing ruinous Sarais

10. If a Sarai or any part thereof be deemed by the Magistrate of the District to be in a ruinous state, or likely to fall, or in any way dangerous to the persons or animals lodging in or halting at the Sarai, he shall give notice in writing to the keeper of the Sarai, requiring him forthwith to take down, repair or secure (as the case may be) the Sarai or such part thereof as the case may require. If the keeper do not begin to take down, repair or secure the Sarai, or such part as aforesaid within three days after such notice, and complete such work with due diligence, the Magistrate shall cause all or so much of the Sarai as he shall think necessary to be taken down, repaired or otherwise secured. All the expenses so incurred by the Magistrate shall be paid by the keeper of the Sarai, and shall be recoverable from him as hereinafter mentioned.

Sale of materials] of ruinous Sarais

11. If any such Sarai or any part thereof be taken down by virtue of the powers aforesaid, the Magistrate of the District may sell the materials thereof, or so much of the same as shall be taken down, under the provisions of the last preceding Section, and apply the proceeds of such sale in payment of the expenses incurred, and shall restore the overplus (if any) arising from such sale to the owner of such Sarai on demand, and may recover the deficiency (if any) as if the amount thereof were a penalty under this Act.

Penalty for permitting Sarais to be filthy or overgrown.

12. Whoever, being the keeper of any Sarai, suffers the same to be in a filthy and unwholesome state, or overgrown with vegetation, or after the expiration of two days from the time of his receiving notice in writing from the Magistrate of the District to cleanse or clear the same, or after he shall have been convicted of suffering the same to be in such state or so overgrown as aforesaid, shall allow the same to continue in such state, or so overgrown, shall be liable to the penalties provided in Section 14 of this Act.

Proviso.

Provided that the Magistrate of the District may, in lieu of enforcing such daily penalty, enter on and cleanse or clear the said Sarai, and the expense incurred by the Magistrate in respect thereof shall be paid to him by the keeper, and shall be recoverable as by this Act provided in the case of penalties.

13. The

Power for Local Government to make Regulations.

13. The Local Government may from time to time make regulations for the better attainment of the objects of this Act, provided that such rules be not inconsistent with this Act or with any other law for the time being in force, and may from time to time repeal, alter and add to the same. All regulations made under this Act, and all repeals thereof and alterations and additions thereto, shall be published in the local official *Gazette*.

Penalty for infringing Act or Regulations.

14. If the keeper of a Sarai offend against any of the provisions of this Act or any of the regulations made in pursuance of this Act, he shall for every such offence be liable on conviction before any Magistrate to a penalty not exceeding twenty Rupees, and to a further penalty not exceeding one Rupee a day for every day during which the offence continues: provided always, that this Act shall not exempt any person from any penalty or other liability to which he may be subject irrespective of this Act. All penalties imposed under this Act may be recovered in the same manner as fines may be recovered under Section 61 of the Code of Criminal Procedure.

Conviction for third offence to disqualify persons from keeping Sarais.

15. Where a keeper of a Sarai is convicted of a third offence under this Act, he shall not afterwards act as keeper of a Sarai without the license in writing of the Magistrate of the District, who may either withhold such license or grant the same on such terms and conditions as he may think fit.

Nothing in Act to apply to certain Sarais.

16. No part of this Act, except Section 8, shall apply to any Sarai which may be under the direct management of the Local Government or of any Municipal Committee.

Extent of Act.

17. This Act shall in the first instance extend only to the territories under the Government of the Lieutenant Governor of the North-West Provinces of the Presidency of Fort William in Bengal. But it shall be lawful for the Local Government, by Notification in the local *Gazette*, to extend this Act, *mutatis mutandis*, to any other part of the territories which are or may be vested in Her Majesty or Her successors by the Statute 21 & 22 Vic., Cap. 106 *(An Act for the better Government of India)*, except the towns of Calcutta, Madras, and Bombay, and the Settlement of Prince of Wales' Island, Singapore and Malacca.

Power to Governor General in Council to extend this Act.

Short title.

18. This Act may be called "The Sarais' Act, 1867."

SCHEDULE.

SCHEDULE.

Form of Notice.

Take notice that on the day of 1867, an Act called "The Sarais' Act, 1867," was passed, and that before the day of 18 you, being the keeper of a Sarai [*or* Purao] within [*here state the District over which the jurisdiction of the Magistrate giving the notice extends*] must have your Sarai [*or* Purao] registered, and that the register is to be kept at [*here state where the register is to be kept*], and that if you do not have your Sarai [*or* Purao] so registered, you will be liable to a penalty not exceeding twenty Rupees, and to a further penalty not exceeding one Rupee a day for every day during which the offence continues, and that on your applying to [*here give the name and address of the person to keep the register*] he will register your Sarai [*or* Purao] free of all charge to you.

Dated the day of 18

[Madras—Printed by H. Morgan, at the Fort St. George Gazette Press.

ACT No. XXIII OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the* 18*th March* 1867.)

An Act for the suppression of murderous outrages in certain districts of the Pánjab.

Preamble.

Whereas in certain districts of the Panjáb, fanatics have frequently murdered or attempted to murder servants of the Queen and other persons: And whereas the general law of the country is not adequate to suppress such offences; It is hereby enacted as follows:—

Lieutenant-Governor empowered to extend this Act to any part of the Panjáb.

1. It shall be lawful for the Lieutenant-Governor of the Panjáb, with the previous consent of the Governor General of India in Council, by a proclamation published in the official *Gazette*, from time to time to declare any part or parts of the territories under his Government to be subject to the operation of all or any of the provisions of this Act, and also, by such proclamation and with such consent as aforesaid, from time to time to withdraw from the operation of such provisions any part or parts of the said territories which he may previously have declared to be subject thereto, and in like manner, as occasion shall require, to subject the same part or parts again to the operation of the same provisions, or of any of them.

Fanatics murdering or attempting to murder liable to death or transportation for life, and forfeiture of property.

2. Any fanatic who shall murder or who shall, within the meaning of the Indian Penal Code, Section 307, attempt to murder any servant of the Queen or other person, shall, on conviction thereof, be punished either with death or with transportation for life, and all his property shall be forfeited to Government.

3. Every

[PRICE 9 PIES.]

Offences under this Act to be offences under Penal Code.

3. Every offence made punishable under this Act, shal be deemed an offence within the meaning of the Indian Penal Code.

Forfeiture of property and disposal of bodies of fanatics killed in committing outrages punishable under this Act.

4. Whenever any fanatic shall be killed in the act of committing any such offence as aforesaid, or being wounded and taken prisoner in the act of committing any such offence as aforesaid, shall afterwards die of his wounds, it shall be competent to the Commissioner, who under the provisions hereinafter contained would have had cognizance of the offence if the offender could have been brought to trial, to proceed to hold an inquest into the circumstances of the death of the offender, and on proof of his having been killed as aforesaid or of his having died of wounds received as aforesaid, to adjudge that the whole of his property shall be forfeited to Government and to dispose of his body as such Commissioner shall think fit.

Trial before Commissioner.

5. Subject to the provision contained in Section 14 of this Act, any offence triable under this Act shall be tried by the Commissioner of the Division in which it has been committed; and in respect of all such offences, the Commissioner shall follow the procedure prescribed for a Magistrate by Sections 248 to 255 (both inclusive) of the Code of Criminal Procedure: Provided that, if he shall be of opinion that any witness or evidence is offered for the purpose of vexation or delay or of defeating the ends of justice, he may require the accused person to satisfy him that there are reasonable grounds for believing that such witness or evidence is material, and if the Commissioner be not so satisfied, he shall not be bound to summon the witness or examine the evidence so offered.

Trial to be with aid of Assessors.

6. Trials under this Act before the Commissioner shall be conducted with the aid of two or more Assessors as Members of the Court. The Commissioner may appoint such persons (other than persons specified in Section 334 of the Code of Criminal Procedure) at such time and in such manner as he may think fit to serve as Assessors, and no persons shall be exempt, within the meaning of Section 335 of the same Code, from serving as such Assessors. The provisions of the Code of Criminal Procedure shall, save as aforesaid, apply to Assessors appointed under this Section.

What the Judgment is to specify.

7. When any trial under this Act is concluded, if the accused person be convicted, it shall be sufficient if the Court, in passing judgment and in recording the finding and sentence, shall specify the offence of which he is convicted, and the Court shall immediately issue a warrant to the officer in charge of the jail in which the prisoner is confined

confined to cause the sentence to be carried into execution, and such sentence shall be carried into execution accordingly. No sentence of death passed under this Act shall require confirmation by any Court.

Disposal of bodies of criminals sentenced to death.

8. When any person shall be sentenced to death under this Act, his body shall be disposed of as the Commissioner by whom he was so sentenced shall direct.

Proceedings to be reported to Lieutenant-Governor.

9. The proceedings in every trial held under this Act shall be reported to the Lieutenant-Governor, without unnecessary delay, by the officer before whom such trial shall have been held.

No appeal from orders or sentences under this Act.

10. Notwithstanding anything contained in the Code of Criminal Procedure or "The Panjáb Chief Court Act, 1866," no appeal shall lie from any order or sentence under this Act.

Procedure when Commissioner thinks that offender's crime is not contemplated by this Act

11. If any Commissioner in whom jurisdiction is vested by this Act shall be of opinion that the accused person has committed an offence punishable under the Indian Penal Code, but that such offence is not contemplated by the preamble to this Act, the offender shall be dealt with in manner provided in such case by the Code of Criminal Procedure.

Lieutenant-Governor's powers as to confinement of persons under this Act

12. The said Lieutenant-Governor shall have, with respect to the confinement of any person charged with or suspected of an intention to commit any offence punishable under this Act, the powers which are vested in the Governor General of India by any law regarding the confinement of persons charged with or suspected of State offences; and the provisions of any such law shall, *mutatis mutandis*, be applicable to all cases in which the Lieutenant-Governor shall proceed under the authority of this Section.

Power of Magistrate as to persons suspected.

13. Any person having the full powers of a Magistrate may cause any person against whom there are in his judgment grounds of proceeding under the last preceding Section, to be apprehended; and after such enquiry as he may think necessary, may detain such person in safe custody until he shall have received the orders of the said Lieutenant-Governor, to whom, in all such cases, he shall report his proceedings without unnecessary delay.

14. The

Exercise of jurisdiction conferred by this Act.

14. The jurisdiction conferred by this Act on a Commissioner may be exercised, in the case of any offence punishable under this Act, by any person having the full powers of a Magistrate whom the Commissioner to whom he may be subordinate, or the said Lieutenant-Governor, shall, after the commission of such offence, specially invest with such jurisdiction.

Power to withdraw any class of cases from operation of Act.

15. It shall be lawful for the said Lieutenant-Governor, either on his own motion or at the request of the Chief Court of the Panjáb, from time to time, to withdraw any class of cases from the operation of this Act.

Power to issue circular orders.

16. With the previous consent of the said Lieutenant-Governor, but not otherwise, the said Chief Court may from time to time make and issue circular orders for the guidance of officers in cases under this Act; provided that such orders are consistent with the provisions herein contained. All such orders shall be published in the official *Gazette*, and shall be obeyed by the officers aforesaid.

Expiration of Act.

17. This Act shall expire in ten years from the date of passing it, or at such earlier date as the Governor General of India in Council may order.

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THE ADMINISTRATOR GENERAL'S ACT, 1867.

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16. When administration of estates of persons other than Hindus, Muhammadans or Buddhists is to be by Administrator General.

17. Upon death of any person leaving assets within local limits, High Court may, on application if assets are in danger, direct Administraotr General to apply for administration.

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ACT No. XXIV OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 22nd March* 1867.)

An Act to consolidate and amend the law relating to the office and duties of Administrator General.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the office and duties of Administrator General; It is hereby enacted as follows :—

PART I.

Preliminary.

Short title.

1. This Act may be called "The Administrator General's Act, 1867."

Repeal of Acts.

2. The Acts and parts of Acts specified in the Schedule hereto are repealed, except so far as they repeal other Acts or regulations, or parts of Acts or Regulations. All things duly done under any of the said Acts or parts of Acts hereby repealed, shall be considered as having been done under this Act. Act No. XXVII. of 1860 (*for facilitating the collection of debts on successions and for the security of parties paying debts to the representatives of deceased persons*) is repealed, except as to Hindus, Muhammadans and Buddhists and persons exempted under the Indian Succession Act, 1865, Section 332, from the operation of such Act.

Interpretation Clause.

3. In this Act—unless there be something repugnant in the subject or context—

"Presidency of Bengal."

"Presidency of Bengal" includes the territories which are or shall for the time being be respectively under the governments of the Lieutenant-Governors of Bengal, the North-Western Provinces, and the Punjab,

Panjab, and under the administrations of the Chief Commissioners of Oudh, the Central Provinces and British Burmah :

"Presidency of Madras."

"Presidency of Madras" includes the territories which are or shall for the time being be under the government of the Governor of Fort Saint George in Council, Coorg and also, so far as regards British subjects, Mysore and the Hyderabad Assigned Districts :

"Presidency of Bombay."

"Presidency of Bombay" means the territories which are or shall for the time being be under the government of the Governor of Bombay in Council :

"Presidency Town."

"Presidency town" means the town of Calcutta, Madras, or Bombay, as the case may be :

"Government."

"Government" means the Governor General of India in Council, so far as the Act relates to the Presidency of Bengal; the person for the time being administering the executive government of the Presidency of Fort St. George, so far as the Act relates to the Presidency of Madras; and the person for the time being administering the executive government of the Presidency of Bombay, so far as the Act relates to that Presidency.

"District Judge."

"District Judge" means the Judge of a Principal Civil Court of original jurisdiction :

"Letters of Administration."

"Letters of Administration" shall include any letters of administration, whether general or limited, or with a Will annexed, and letters *ad colligenda bona* :

"Next-of-kin."

"Next-of-kin" includes a widower or widow of a deceased person, or any other person who, by law and according to the practice of the Courts, would be entitled to letters of administration in preference to a creditor or legatee of the deceased :

"Officer."

"Officer" means a Commissioned Officer of Her Majesty's Army, or of Her Majesty's Indian Army :

"Soldier."

"Soldier" means a soldier of Her Majesty's Army or European soldier of Her Majesty's Indian Army, including a Warrant and a Non-Commissioned Officer :

"Assets."

"Assets" includes immoveable as well as moveable property.

Gender. Number.

Words in the masculine gender include the feminine; and words in the singular number include the plural, and *vice versâ*.

PART II.

PART II.

Of the Office of Administrator General.

Designation of the Administrators General in the three Presidencies.

4. In each of the Presidencies of Bengal, Madras, and Bombay, there shall be an Administrator General. The said Administrators General shall be called respectively the Administrator General of Bengal, the Administrator General of Madras, and the Administrator General of Bombay.

Appointment, suspension, and removal of Administrators General.

5. Such officers shall be appointed and may be suspended or removed by the authorities hereinafter mentioned respectively; that is to say:—

The Administrator General of Bengal, by the Governor General of India in Council; the Administrator General of Madras, by the Government of Fort St. George; and the Administrator General of Bombay, by the Government of Bombay.

Qualification of future and continuance of existing incumbents.

6. Any person hereafter appointed to the office of Administrator General or officiating Administrator General of any of the said Presidencies, shall be a member of the Bar of England or Ireland, or of the Faculty of Advocates in Scotland; but any person now holding such office shall continue to hold the same, subject to the provisions contained in the other Sections of this Act.

Administrator General not to be deemed an officer of High Court.

7. The Administrator General shall not be deemed in that capacity to be an officer of any High Court.

Probates and letters of administration granted by Supreme Courts to Ecclesiastical Registrars to have same effect as if granted to the Administrator General.

8. All probates and letters of administration granted by any of the late Supreme Courts of Judicature to the Ecclesiastical Registrar of such Court in virtue of his office, shall have the same effect in all respects as to any act hereafter to be done or required to be done under this Act, as if they had been granted to the Administrator General.

No Administrator General to be Ecclesiastical Registrar.

9. No person now holding the office of Administrator General, are hereafter to be appointed to such office in any of the said Presidencies, shal lhold the office of Ecclesiastical Registrar; nor without the express sanction of Government, any other office togethee with that of Administrator General: Provided that the Administrator General of the Presidency

Administrator General not to hold any other office without sanction of Government.

Proviso.

Presidency may be appointed Official Trustee under Act No. XVII of 1864 *(to constitute an office of Official Trustee)*: Provided also that the Administrator General of Bengal may hold the office of Receiver of the High Court of Judicature at Fort William.

Penalty for trading.

10. It is hereby declared to be an offence punishable in manner provided by Section 168 of the Indian Penal Code, for any Administrator General to trade or traffic for his own benefit, or for the benefit of any other person, unless so far as shall appear to him to be expedient for the due management of the estates which shall come into his charge under the provisions of this Act, and for the sole benefit of the several persons entitled to the proceeds of such estates respectively: but this exception is not to be construed to alter the civil liabilities of the Administrator General as trustee of such estates.

Exception.

Security to be given by Administrator General.

11. Unless the Governor General of India in Council, or the Government, with the sanction of the Governor General of India in Council, shall otherwise order, every Administrator General hereafter to be appointed shall give security to the Secretary of State for India for the due execution of his office, for one lákh of Rupees by his own bond, and for another lákh of Rupees, or for separate sums amounting together to one lákh of Rupees, by the deposit of Government securities, or by the joint and several bond or bonds of two or more sureties to be approved by Government, or partly by such deposit and partly by such bond or bonds: Provided that every Administrator General may, with the consent of Government, substitute either of the said two last mentioned kinds of security for another previously given for such last-mentioned lákh or any part of it; and every Administrator General may, with the consent of Government, and shall from time to time when required by Government so to do, cause fresh sureties to be substituted for any of those previously bound, so far as the security shall relate to the due execution of his office for the time then to come.

Substitution of security or sureties.

No security nor oath to be required by Court from Administrator General.

12. No Administrator General shall be required by any Court to enter into any administration bond or to give other security to the Court, on the grant of any letters of administration to him in virtue of his office. No Administrator General shall be required to verify, otherwise than by his signature, any petition presented by him under the provisions of this Act, and if the facts stated in any such petition are not within the Administrator General's own personal knowledge, the petition may be subscribed and

and verified by any person competent to make the verification. Whoever makes a statement in any such petition which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

Appointment of officiating Administrator General.

13. Whenever any person holding the office of Administrator General shall obtain leave of absence, it shall be lawful for the Government to appoint some person to officiate as Administrator General, and such person, while so officiating, shall be subject to the same conditions and be bound by the same responsibilities as the Administrator General by any law now in force or that may hereafter be enacted, and he shall be deemed to be Administrator General for the time being under this Act, and shall be liable to give security under Section 11 of this Act in like manner as if he had been appointed Administrator General.

PART III.

Of the Rights, Powers and Duties of the Administrator General.

(a).—Grants of Letters of Administration and Probate to the Administrator General.

As regards Administrator General, High Court at Presidency town to be deemed a Court of competent jurisdiction within meaning of Sections 187 and 190 of Indian Succession Act.

14. So far as regards the Administrator General of any of the Presidencies of Bengal, Madras and Bombay, the High Court of Judicature at the Presidency town shall be deemed to be a Court of competent jurisdiction within the meaning of Sections 187 and 190 of the Indian Succession Act, 1865, wheresoever within the Presidency the property to be comprised in the probate or letters of administration may be situate.

Administrator General entitled to letters of administration, unless granted to next-of-kin of deceased.

Administrator General entitled in preference to creditor, non-universal legatee, or friend.

15. Any letters of administration, or letters *ad colligenda bona*, which shall hereafter be granted by the High Court of Judicature at any Presidency town, shall be granted to the Administrator General of the Presidency, unless they shall be granted to the next-of-kin of the deceased. The Administrator General of the Presidency shall be deemed to have a right to letters of administration in preference to that of any person, merely on the ground of his being a creditor, a legatee other than an universal legatee, or a friend of the deceased.

When administration of estates of persons other than Hindus, Muhammadans or Bhuddhists is to be by Administrator General.

16. If any person, not being a Hindu, Muhammadan, or Buddhist, or a person exempted under the Indian Succession Act, 1865, Section 332, from the operation of that Act, shall have died, whether within any of the said Presidencies or not, and whether before or after the passing of this Act, and shall have left assets exceeding at

the

the date of the death or within one year thereafter the value of one thousand Rupees within any of the said Presidencies, and no person shall, within one month after his death, have applied in such Presidency for probate of a Will, or for any letters of administration of his estate, the Administrator General of the Presidency in which such assets shall be is hereby required, within a reasonable time after he shall have had notice of the death of such person, and of his having left such assets as aforesaid, to take such proceedings as may be necessary to obtain from the High Court of Judicature at the Presidency town, letters of administration to the effects of such person, either generally or with a Will annexed, as the case may require. Whenever the Administrator General of the Presidency shall take proceedings under this Section, it shall be sufficient if the petition required by Section 246 of the Indian Succession Act, 1865, shall state the time and place of the deceased's death to the best of the petitioner's knowledge or belief, that the deceased left some property within the Presidency as hereinbefore defined, and the amount or value of assets which are likely to come into the petitioner's hands.

Upon death of any person leaving assets within local limits, High Court may, on application if assets are in danger, direct Administrator General to apply for administration.

17. Whenever any person, whether a Hindu, Muhammadan, or Buddhist, or not, shall have died leaving assets within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at the Presidency town, it shall be lawful for the Court upon the application of any person interested in such assets, or in the due administration thereof, either as a creditor, legatee, next-of-kin or otherwise, or upon the application of a friend of any minor who may be so interested, or upon the application of the Administrator General, if the applicant shall satisfy the Court that danger is to be apprehended of the misappropriation, deterioration or waste of such assets unless letters of administration of the effects of such person are granted, to make an order, upon such terms as to indemnifying the Administrator General against costs and other expenses as to the Court shall seem fit, directing the Administrator General to apply for letters of administration of the effects of such person. Provided that, in the case of an application being made under this Section for letters of administration to the effects of a deceased Hindu, Muhammadan, or Buddhist, the Court may refuse to grant letters of administration to any person, if it be satisfied that such grant is unnecessary for the protection of the assets, and in such case the said Court shall make such order as to the costs of the application as it shall think just.

Administration to effects of deceased Hindus, Muhammadans or Buddhists, not to be granted under this Section, unless required to protect the assets.

Costs of unnecessary application.

18. Whenever

Upon death of any person leaving assets within local limits, High Court may, if property is in danger, enjoin Administrator General to collect and hold the same until right of succession or administration is ascertained

18. Whenever any person, whether a Hindu, Muhammadan, or Buddhist, or not, shall have died, whether before or after the passing of this Act, leaving assets within the local limits of the ordinary original civil jurisdiction of any of the said High Courts, and such Court shall be satisfied that danger is to be apprehended of the misappropriation, deterioration or waste of such property, before it can be ascertained who may be legally entitled to the succession to such property, or whether the Administrator General is entitled to letters of administration to such deceased person, it shall be lawful for the Court to authorize and enjoin the Administrator General to collect and take possession of such property, and to hold or deposit or invest the same according to the orders and directions of the Court, and in default of any such orders or directions, according to the provisions of this Act so far as the same are applicable to such property; and the Administrator General shall be entitled to a commission of one *per centum* upon the amount of all moveable assets collected or received by him in pursuance of such order, and also to reimburse himself for all payments made by him in respect of the assets which a private administrator of such assets might lawfully have made; and in case letters of administration of any such property shall be afterwards granted to the Administrator General, the said commission of one *per centum* shall be deemed a part payment of the commission payable to the Administrator General under the letters of administration. Any order of Court made under the provisions of this Section, shall entitle the Administrator General to collect and to take possession of such property, and, if necessary, to maintain a suit for the recovery thereof.

Rate of commission payable in such case

Probate to be granted to executor appearing in the course of proceedings taken by Administrator General to obtain administration.

19. If in the course of proceedings to obtain letters of administration under the provisions of Section 16 or Section 17 of this Act, any executor appointed by a Will of the deceased shall appear according to the practice of the Court and prove the Will and accept the office of executor, or if any person shall appear according to such practice and make out his claim to letters of administration as next-of-kin of the deceased, and shall give such security as shall be required of him by law or by the practice of the Court, the Court shall grant probate of the Will or letters of administration accordingly, and shall award to the Administrator General his costs of the proceedings so taken by him, to be paid out of the estate as part of the testamentary or intestate expenses thereof.

Costs of proceedings taken by the Administrator General to be paid out of the estate.

20. If

If no executor or next-of-kin appear or give necessary security, letters of administration to be granted to Administrator General.

20. If no person shall appear according to the practice of the Court, and entitle himself to probate of a Will, or to a grant of letters of administration as next-of-kin of the deceased, or if the person who shall entitle himself to a grant of administration shall neglect to give such security as shall be required of him by law or according to the practice of the Court, the Court shall grant letters of administration to the Administrator General.

Administrator General in certain cases to secure and distribute the estate and effects of soldiers.

21. The Administrator General shall, when duly authorized or required so to do by the Military Secretary to Government, secure and distribute the assets of the estate and effects of any officer, soldier, or other person subject to any Articles of War, in all cases in which such estate and effects do not exceed on the whole five hundred Rupees, charging the estate with a commission of three *per centum* only.

Proviso.

It shall not be necessary for the Administrator General to take out letters of administration in cases referred to in this Section: but he shall have the same powers with regard to all such assets as he would have had if he had taken out such letters.

Administrator General not precluded from applying for letters of administration in any case within three months after death of deceased.

22. Nothing in this Act is intended to preclude the Administrator General from applying to the Court for letters of administration in any case, within the period of one month from the death of the deceased.

After revocation, letters of administration granted to Administrator General to be deemed as to him to have been voidable only.

23. If any letters of administration which shall be granted to the Administrator General under the provisions of this Act, shall be revoked or recalled, the same shall, so far as regards the Administrator General and all persons acting under his authority in pursuance thereof, be deemed to have been only voidable; except as to any act done by any such Administrator General or other person as aforesaid, after notice of a Will or of any other fact which would render such letters of administration void:

Exception.

Proviso.

Provided that no notice of a Will or of any other fact which would render any such letters of administration void, shall effect the Administrator General or any person acting under his authority in pursuance of such letters of administration, unless within the period of one month from the time of giving such notice, proceedings be commenced to prove the Will, or to cause the letters of administration to be revoked nor unless such proceedings be prosecuted without unreasonable delay.

24. If

24. If any letters of administration which shall be granted under this shall be revoked upon the production and proof of a Will, all payments made or acts done by or under the authority of the Administrator General in pursuance of such letters of administration prior to the revocation thereof, which would have been valid under any letters of administration lawfully granted to him with such Will annexed, shall be deemed valid notwithstanding such revocation.

What payments made or acts done by Administrator General prior to revocation of administration upon production of a Will, shall be deemed valid.

25. If an executor or next-of-kin of the deceased, who shall not have been personally served with a citation or had notice thereof in time to appear in pursuance thereof, shall establish to the satisfaction of the Court a claim to probate of a Will or to letters of administration in preference to the Administrator General, any letters of administration which shall be granted by virtue of this Act to the Administrator General may be recalled and revoked, and probate may be granted to such executor, or letters of administration granted to such other person as aforesaid: Provided that no letters of administration which shall be granted to the Administrator General shall be revoked or recalled for the cause aforesaid, except in cases in which a Will or Codicil of the deceased shall be proved in the Presidency, unless the application for that purpose shall be made within six months after the grant to the Administrator General, and the Court shall be satisfied that there has been no unreasonable delay in making the application, or in transmitting the authority under which the application shall be made.

In what cases Court may recall Administrator General's administration and grant probate, &c., to executor or next-of-kin.

Unless a Will is proved, application to revoke such administration must be made within six months and without needless delay.

26. If any letters of administration which shall be granted to the Administrator General in pursuance of this Act shall be revoked, the Court may order the costs of obtaining such letters of administration, and the whole or any part of any commission which would otherwise have been payable under this Act, together with the costs of the Administrator General in any proceedings taken to obtain such revocation, to be paid to or retained by the Administrator General out of any assets belonging to the estate. Provided that, in any such case, when the deceased has left a Will appointing an executor, and probate of the Will has been granted by any Court in the Presidency to such executor within three months after the death, or when the widow or next-of-kin has, within one month, if resident within the Presidency, or within three months, if resident beyond the Presidency, obtained from any such Court letters of administration to the estate and

Costs of obtaining administration, commission, &c., may, on revocation, be ordered by Court to be paid to the Administrator General out of the assets.

and effects of the deceased, then and in either of such cases the Administrator General shall (without prejudice to the provisions contained in Sections 17 and 18 of this Act) not be entitled to receive or retain any commission out of any assets belonging to such estate and situate within the jurisdiction of the Court by which probate or administration shall have been granted as last aforesaid.

Exclusion of creditors who have not proved from assets with which a dividend is made.

27. Whenever the Administrator General shall declare a dividend among such creditors of the deceased as have proved their debts, and shall notify the payment of such dividend by advertisement in the official *Gazette*, no creditor of the deceased who shall not previously to such declaration and advertisement have proved his debt, shall be entitled to participate as such in the assets wherewith such dividend shall be made. Any payment or delivery of assets to any legatee or to any person entitled in distribution, which shall be made by an Administrator General after the expiration of one year from the grant of the letters of administration under which such payment or delivery shall be made, shall be allowed to the Administrator General as against all creditors and other claimants against the estate, of whose debts or claims he shall not have had notice before making such payment or delivery: Provided that nothing herein contained shall exempt the person to whom such payment or delivery shall be made, from any liability to refund to which he would otherwise be liable: And provided also, that no notice of any debt or claim shall affect the Administrator General, unless proceedings to enforce the debt or claim be commenced within one month after the giving of such notice, and be prosecuted without unreasonable delay.

After one year from grant of administration, distribution of assets by Administrator General to be allowed against all claims of which he had no notice.

Person receiving payments liable to refund.

What to be notice of debt or claim.

Letters of administration to be granted to Administrator General in virtue of his office

Authority given by such letters.

28. All letters of administration which shall be granted to any Administrator General in virtue of his office shall be granted to him by his name of office, and all letters of administration heretofore granted to the Ecclesiastical Registrar or Administrator General officially, or which shall be granted to any Administrator General in virtue of his office, shall authorize the Administrator General for the time being of the same Presidency to act as administrator of the estate to which such letters of administration shall relate.

29. Every

29. Every probate which shall be granted to any Administrator General of a Will wherein he shall be named as executor by virtue of his office, shall be granted to him by his name of office, and shall authorize the Administrator General for the time being of the same Presidency to act as executor of the estate to which such probate shall relate.

Grant of probate to Administrator General named as executor by virtue of his office.

30. It shall be lawful for any private executor or administrator, with the previous consent of the Administrator General of the Presidency in which the property comprised in the probate or letters of administration is situate, by an instrument in writing under his hand, bearing a stamp of ten Rupees and notified in the local *Gazette*, to transfer all estates, effects, and interests vested in him by virtue of such probate or letters to the Administrator General by his name of office; and thereupon the transferrer shall be exempt from all liability as such executor or administrator, as the case may be, for any act or omission in respect of the said property after the date of the said transfer; and the Administrator General for the time being shall have the rights and be subject to the liabilities which he would have had, and to which he would have been subject, if the probate or letters of administration, as the case may be, had been granted to him by his name of office at the date aforesaid. Nothing herein contained shall be taken to exempt any such transferrer from liability for acts and omissions in respect of the said property prior to the transfer.

Transfer by private executor or administrator of interest under probate or letters of administration.

31. All estates, effects, and interests which, at the time of the death, resignation or removal from office of any Administrator General, shall be vested in him by virtue of such letters of administration, probates or transfers as aforesaid, shall, upon every such death, resignation, or removal, cease to be vested in him, and shall vest in his successor in office immediately upon his appointment thereto. All books, papers, and documents kept by such Administrator General by virtue of his office or as such executor or transferree as aforesaid, shall be transferred to and vested in his successor in office.

Vesting of estates, &c., in successor of Administrator General

(*b.*)—*Suits by and against the Administrator General.*

32. All suits or other proceedings which shall be commenced by or against any Administrator General in his representative character, may be brought by or against him by his name of office, and no suit or other proceedings already commenced or which shall

Administrator General to sue and be sued in his representative capacity by his name of office.

Suit not to abate by death, &c.

shall be commenced by or against any person as Administrator General, either alone or jointly with any other person, shall abate by reason of the death, resignation, or removal from office of any such Administrator General, but the same may, by order of the Court, and upon such terms as to the service of notices or otherwise as the Court may direct, be continued by or against his successor immediately upon his appointment, in the same manner as if no such death, resignation, or removal had occurred: provided that nothing hereinbefore contained shall render any such successor personally liable for any costs incurred prior to the order for continuing the suit against him.

Proviso as to costs

Creditor's suits against Administrator General.

33. If any suit shall be brought by a creditor against any Administrator General in his representative character, the plaintiff shall be liable to pay the costs of the suit, and shall not be entitled to have the decree (if any) in such suit enforced, unless upon proof by affidavit or otherwise that not less than one calendar month previous to the institution of the suit he had applied in writing to the Administrator General, stating the amount and other particulars of the claim, and supporting the same by such evidence as, under the circumstances of the case, the Administrator General was reasonably entitled to require, and that the Administrator General had refused or neglected to register the claim according to the practice of his office. If in any such suit judgment is pronounced in favour of the plaintiff, he shall, nevertheless, be only entitled to payment out of the assets of the deceased *pari passu* with the other creditors.

(c.)—Grant of Certificates by the Administrator General.

In what case Administrator General may grant certificate

34. Whenever any person, not being a Hindu, Muhammadan, or Buddhist, or exempted under the Indian Succession Act, 1865, Section 332, from the operation of that Act, shall have died, whether within any of the said Presidencies or not, whether before or after the passing of this Act, and whether testate or intestate, and shall have left moveable assets within any of the said Presidencies, and the Administrator General of such Presidency shall be satisfied that such assets do not exceed in the whole one thousand Rupees in value, he may, after the lapse of one month from the death if he shall think fit, or before the lapse of the said month if he shall be requested so to do by writing under the hand of the executor or the widow or other person entitled to administer the effects of the deceased, grant to any person claiming otherwise than as a creditor to be entitled to a share of such effects, certificates, under his hand entitling the claimant to receive the sums or securities for money therein severally mentioned, belonging to the effects of the deceased, to the value

of

of any sum not exceeding in the whole one thousand Rupees: provided that no certificate shall be granted under this Section where probate of the deceased's Will or letters of administration of his effects has or have been granted, or in respect of any sum of money deposited in a Government Savings' Bank.

No certificate to be granted when probate or administration taken out, or in respect of money in Government Savings' Bank.

35. If in cases falling within Section 34 of this Act, no person claiming otherwise than as a creditor to be entitled to a share of the effects of the deceased shall, within three months, obtain a certificate from the Administrator General under the same Section, or letters of administration to the estate and effects of the deceased, the Administrator General may administer the estate without letters of administration, in the same manner as if such letters of administration had been granted to him; and if he shall neglect or refuse to take upon himself the administration of the estate and effects, he shall, upon the application of a creditor, and upon being satisfied of his title, grant a certificate in the same manner as if such creditor were entitled to a share of the effects of the deceased, and such certificate shall have the same effect as a certificate granted under the provisions of the same Section, and shall be subject to all the provisions of this Act which are applicable to such certificate: provided that the Administrator General may, before granting such certificate, if he think fit, require the creditor to give reasonable security for the due administration of the estate and effects of the deceased.

Grant of certificate to creditors

Proviso.

36. The Administrator General shall not be bound to grant any such certificate, unless he shall be satisfied of the title of the claimant and of the value of the effects of the deceased, either by the oath or solemn affirmation of the claimant (which oath or affirmation the Administrator General is hereby authorized to administer or take), or by such other evidence as he shall require.

Administrator General not bound to grant certificate unless satisfied of claimant's title, &c.

37. A copy of any such certificate with a receipt annexed shall, when such copy and receipt are signed by the person to whom the certificate has been granted, be a full discharge for payment or delivery to him of the money or security for money therein mentioned, to the person paying or delivering the same: but nothing in this Act shall preclude any executor or administrator of the deceased from recovering, from the person receiving the same, the amount remaining in his hands after deducting the amount of all debts or other demands lawfully paid or discharged by him in due course of administration.

Copy of certificate with receipt annexed, when signed by certificate-holder, to be a discharge.

Right of executor or administrator against certificate-holder.

Right of creditor against assets in hands of certificate-holder.

And

And any creditor or claimant against the estate of the deceased shall be at liberty to recover his debt or claim out of the assets received by such person and remaining in his hands unadministered, in the same manner and to the same extent as if such person had obtained letters of administration to the estate of the deceased.

Administrator General not bound to take out administration on account of effects in respect of which he has granted certificate.

38. The Administrator General shall not be bound to take out letters of administration to the estate of any deceased person on account of the effects in respect of which he shall grant any such certificate, but he may do so if he shall discover any fraud or misrepresentation made to him, or that the value of the estate exceeded one thousand Rupees.

Fee for certificate.

39. For every such certificate the Administrator General shall be entitled to charge a fee calculated after the rate of three Rupees in the hundred on the amount mentioned in the certificate.

(d).—Expenses of the Administrator General's Establishment.

Administrator General to defray expenses of establishment, and all other charges not expressly provided for.

40. The Administrator General shall defray all the expenses of the establishment necessary for his office, and all other charges to which the said office shall be subject, except those for which express provision is made by this Act.

(e).—Accounts and Schedules.

Administrator General to keep a separate account for each estate, to be open to inspection on payment of fee.

41. The Administrator General of each of the said Presidencies shall enter into books to be kept by him for that purpose, separate and distinct accounts of each estate, and of all such sums of money, bonds, and other securities for money, goods, effects, and things as shall come to his hands, or to the hands of any person employed by him or in trust for him under this Act; and likewise of all payments made by him on account of such estate, and of all debts due by or to the same, specifying the dates of such receipts and payments respectively. Such books shall be kept in the Administrator General's Office, and shall be open for the inspection of all such persons, practitioners in the said Courts and others, as may have occasion to inspect the same at office hours, paying only such reasonable fee as hath been or shall be from time to time fixed by the Government and published in the official *Gazette* of the Presidency to which the same may relate.

Administrator General to furnish half-yearly Schedules.

42. The Administrator General of each of the said Presidencies shall, twice in every year, that is to say, on or before the first day of April, and on or before the first day of October, or on such other days as the Government shall, by any rules or orders to be

be published as aforesaid, direct, exhibit, and deliver, in the High Court at Calcutta, Madras, or Bombay, as the case may be, a true Schedule showing the gross amount of all sums of money received or paid by him on account of each estate in his charge, and the balances during the period of six months ending severally on the thirty-first day of December and thirtieth day of June next before the day of delivering such schedule, and a true list of all bonds or other securities received on account of each of the said estates during the same period; and also a true schedule of all administrations whereof the final balances shall have been paid over to the persons entitled to the same, during the same period, specifying the amount of such balances and the persons to whom paid. Such schedules shall be filed of record in such High Court, and shall, within fourteen days afterwards, be published in the official *Gazette* of the Presidency by the said Administrator General; and copies thereof in triplicate shall be delivered by such Administrator General to the Government, and shall be sent by such Government to the Secretary of State for India, in order that such Secretary may, if he think fit so to do, order the same to be deposited at the India Office for public inspection, and may cause notices to be published in the *London Gazette* and other leading news-papers, that such schedules are open to inspection there, or may make such other orders respecting the same as he may think fit.

Schedules to be filed and published

PART IV.

Of the Audit of the Administrator General's Accounts.

Government to appoint auditors.

43. The Government shall from time to time appoint auditors to examine the accounts of the Administrator General at the times of the delivery of the said schedules, and also at any other time when the Government shall think fit.

Auditors to examine schedule, and report to Government

44. The auditors shall examine the schedules and accounts, and report to the Government whether they contain a full and true account of every thing which ought to be inserted therein, and whether the books which by this Act are, or which by any such general rules and orders as hereinafter mentioned shall be, directed to be kept by the Administrator General, have been duly and regularly kept, and whether the assets and securities have been duly kept and invested and deposited in the manner prescribed by this Act, or which shall be prescribed by any such rules and orders to be made as aforesaid.

45. Every

Auditors to have power to summon witnesses and to call for books, &c.

45. Every auditor shall have power to summon as well the Administrator General as any other person whose presence he may think necessary, to attend him from time to time; and to examine the Administrator General or other person if he shall think fit, on oath or solemn affirmation to be by him administered; and to call for all books, papers, vouchers and documents, which shall appear to him to be necessary for the purposes of the said reference. If the Administrator General or other person when summoned shall refuse, or, without reasonable cause, neglect to attend or to produce any book, paper, voucher or document so required, or shall attend and refuse to be sworn or make a solemn affirmation, when by law an affirmation may be substituted for an oath, or shall refuse to be examined, the auditors shall certify such neglect or refusal in writing to the High Court at the Presidency town; and every person so refusing or neglecting shall thereupon be punishable in like manner as if such refusal or neglect had been in contempt of the said High Court.

Penalty for non-attendance.

Costs of preparing schedules, &c., how to be addi.

46. The costs and expenses of preparing and publishing the said schedules and copies thereof, and of every such reference and examination as aforesaid, shall be defrayed by all the estates to which such schedules or accounts shall relate. Such costs and expenses, and the portion thereof to be contributed by each of the said estates, shall be ascertained and settled by the auditors, subject to the approval of the Government, and shall be paid out of the said estates accordingly by the Administrator General.

Auditors to report specially to Government if accounts appear not correct.

47. If upon any such reference and examination the auditors shall see reason to believe that the said Schedules do not contain a true and correct account of the matters therein contained or which ought to be therein contained, or that the assets have not been duly kept and invested or deposited in the manner directed by this Act, or which shall be directed by any such rules and orders as aforesaid, or that the Administrator General has failed to comply with the provisions and directions of this Act or of any such rules and orders, they shall report accordingly to the Governm ent.

Proceedings upon such report.

48. The Government may refer every such report as last aforesaid to the consideration of the Advocate General for the Presidency, who shall thereupon, if he shall think fit, proceed summarily against the defaulter or his executor or administrator in the High

High Court in the Presidency town, by petition for an account, or to compel obedience to this Act or to such rules and orders as aforesaid, or otherwise as he may think fit, in respect of all or any of the estates then or formerly under the administration of such defaulter; and the said Advocate General shall have power to exhibit interrogatories to the said Administrator General, executor or administrator (hereinafter called the defendant), who shall be bound to answer the same as fully as if a commission had been issued under the provisions of the Code of Civil Procedure for his examination upon the said interrogatories. The Court shall have power upon any such petition to compel the attendance in Court of the defendant and any witnesses who may be thought necessary, and to examine them orally or otherwise as the said Court shall think fit, and to make and enforce such order or orders as the Court shall think just.

Costs of reference, &c., how to be defrayed

49. The costs, including those of the Advocate General and of the reference to him, if the same shall be directed by the Court to be paid, shall be defrayed either by the defendant or out of the estates rateably as the said Court shall direct; and whenever any costs shall be recovered from the defendant, the same shall be repaid to the estates by which they shall have been in the first instance contributed, and the Court may, if it shall think fit, order the defendant to receive his costs out of the said estates.

PART V.

Of the Commission of the Administrator General.

Commission to be received by Administrators General.

50. The Administrator General of each of the said Presidencies, under any letters of administration which shall be granted to him in his official character, or under any probate which shall be granted to him of a Will wherein he shall be named as executor by virtue of his office; or under any probates or letters of administration which are or shall be vested in him by Section 8 or Section 30 of this Act, shall be entitled to receive a commission at the following rates respectively, *viz.* :—

The Administrator General of Bengal at the rate of three *per centum*, and the Administrators General of Madras and Bombay respectively at the rate of five *per centum*, upon the amount or value of the assets which they shall respectively collect and distribute in due course of administration.

51. The

51. The last preceding Section shall not apply to cases in which the property of an Officer or Soldier dying on service shall come to the hands of the Administrator General of any of the said Presidencies, under the 9th or the 12th Section of the Statute called "The Regimental Debts' Act, 1863," and such Administrator General shall not be entitled to take, and it shall not be lawful for him to take a per-centage on any such property exceeding three *per centum* on the gross amount coming to his hands after the passing of the Administrator General's Act, 1865, if preferential charges as defined by the 4th Section of the said Statute have been previously paid, or on the gross amount remaining in his hands after payment by him of such charges, as the case may be.

Section 50 not to apply to property of Officers and Soldiers dying on service, which shall come to hands of Administrator General.

Administrator General entitled to a commission of only three per cent. on gross amount of such property.

52. The Administrator General shall be entitled to re-imburse himself for any payments made by him in respect of any estate in his charge, which a private administrator of such estate might have lawfully made; but save as aforesaid, the commission to which the Administrator General of each of the said three Presidencies shall be entitled is intended to cover, not merely the expense and trouble of collecting the assets, but also his trouble and responsibility in distributing them in due course of administration. It is therefore enacted that one-half of such commission shall be payable to and retained by such Administrator General upon the collection of the assets, and the other half thereof shall be payable to the Administrator General who shall distribute any assets in the due course of administration, and may be retained by him upon such distribution. The amount of the Commission lawfully retained by an Administrator General upon the distribution of assets, shall be deemed a distribution in the due course of administration within the meaning of this Act.

What expenses, &c., commission is to cover.

How payable.

Commission retained to be deemed a distribution.

53. The Governor General of India in Council may from time to time order the rate of commission hereinbefore authorized to be received by the Administrator General of Bengal to be raised to any rate not exceeding five *per centum* upon the amount or value of the assets which he shall collect and distribute in due course

Commission of the Administrator General of Bengal may be raised and again reduced

of

of administration and again to be reduced. The Governments of the Presidencies of Fort Saint George and Bombay respectively may, with the sanction of the Governor General of India in Council, from time to time order the aforesaid rate of commission hereby authorized to be received by the Administrators General of Madras and Bombay respectively to be reduced and again to be raised: Provided that the commission so to be received shall not at any time exceed five *per centum* of the assets collected, and that no person now holding the office of Administrator General of Bengal, Madras, or Bombay, shall, by any such order, be deprived of the right to receive and retain, for his own use, a commission at the rate of three *per centum* in respect of all assets collected and actually administered by him.

Commission of the Administrators General of Madras and Bombay may be reduced and again raised.

Proviso.

54. No person other than the Administrator General acting officially shall receive or retain any commission or agency charges for anything done as executor or administrator under any probate or letters of administration, or letters *ad colligenda bona* which have been granted by the Supreme Court or High Court of Judicature at Fort William in Bengal since the passing of Act No. VII of 1849 *(for the appointment of an Administrator General in Bengal)*, or by either of the Supreme or High Courts of Judicature at Madras and Bombay since the passing of Act No. II of 1850 *(to amend and extend to Madras and Bombay Act No. VII of* 1849*)*, or which have been or shall be granted by any Court of competent jurisdiction within the meaning of Sections 187 and 190 of the Indian Succession Act, 1865; but this enactment shall not prevent any executor or other person from having the benefit of any legacy bequeathed to him in his character of executor, or by way of commission or otherwise.

Commission or agency not to be charged by executor or administrator other than the Administrator General

Bequest in favour of executors not affected

PART VI.

Miscellaneous.

55. The Government shall have power from time to time to make and alter any general rules and orders consistent with the provisions of this Act, for the safe custody of the assets and securities which shall come to the hands or possession of the Administrator General, and for the remittance to the India Office of all sums of money which shall be payable or belong to persons resident in Europe, or in other cases where such remittances shall

Government may make and alter rules and orders consistent with this Act.

For custody of assets.
For remittance of money.

shall be required, and generally for the guidance and government of the Administrator General in the discharge of his duties; and may by such rules and orders amongst other things direct what books, accounts, and statements, in addition to those mentioned in this Act, shall be kept by the Administrator General, and in what form the same shall be kept and what entries the same shall contain, and where the same shall be kept, and where and how the assets and securities belonging to the estates to be administered by such Administrator General shall be kept and invested or deposited pending the administration thereof, and how and at what rate or rates of exchange any remittances thereof shall be made. Unless any such rules shall be made and published, the rules now in force in each of the said Presidencies so far as the same are not inconsistent with this Act, shall be of the same force and effect as if the same had been made and published under this Act.

For guidance of Administrator General.

Proviso as to rules now in force.

56. Such orders shall be published in the *Gazette of India*, the Fort Saint George *Gazette*, or the Bombay Government *Gazette* as the case may be, and it shall be the duty of the saveral Administrators General to obey and fulfil the same, and the same shall be a full authority and indemnity for all persons acting in pursuance thereof.

Publication of orders, &c.

57. Any order which shall be made under this Act by any Court shall have the same effect and be executed in the same manner as a decree.

Orders of the Court to have same effect, and to be executed in same manner as a decree.

58. Whoever, having been sworn or having taken a solemn affirmation under this Act, shall upon any examination authorized by this Act, make a statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

Penalty for false evidence.

59. All assets in the official charge of the Administrator General of any of the said Presidencies, and which now appear or shall hereafter appear from the official books and accounts of the Ecclesiastical Registrar and of the Administrator General of any of those Presidencies, or from the official books and accounts of any of those officers, to have been in official custody for a period of fifteen years or upwards without any claim thereto having been made and allowed, shall be transferred and paid to the Controller General of Accounts or to the Accountant General to the Government of

Assets unclaimed for fifteen years to be transferred to Government.

of Fort Saint George or Bombay as the case may be, and be carried to the account and credit of the Government of India for the general purposes of Government; and the receipt of the said Controller General or Accountant General, as the case may be, shall be a full indemnity and discharge to the said Administrator General for any such transfer or payment: Provided that this Act shall not authorize the transfer or payment of any such proceeds as aforesaid, pending any suit already instituted or which shall be hereafter instituted in respect thereof.

Proviso.

60. If any claim shall be hereafter made to any part of the securities, monies, or proceeds which shall be carried to the account or credit of the Government of India under the provisions of this Act, and if such claim shall be established to the satisfaction of the Controller General or the Accountant General to the Government of Fort Saint George or Bombay, as the case may be, the Government of India shall pay to the claimant the amount of the principal so carried to the credit and account of the said Government of India, or so much thereof as shall appear to be due to the claimant. If the claim shall not be established to the satisfaction of the said Controller General or Accountant General, as the case may be, the claimant may apply by petition to the High Court at the Presidency Town against the Secretary of State for India, and after taking evidence either orally or on affidavit in a summary way as the said Court shall think fit, the said Court shall make such order on the petition for the payment of such portion of the said principal sum as justice shall require, and such order shall be binding on all parties to the suit.

Mode of proceeding by claimant to recover principal money so transferred.

61. Whenever any person, other than a Hindu, Muhammadan, or Buddhist, or a person exempted under the Indian Succession Act, 1865, Section 332, from the operation of that Act, shall die leaving assets within the limits of the jurisdiction of a District Judge, it shall be the duty of the District Judge to report the circumstance without delay to the Administrator General of the Presidency, retaining the property under his charge, or appointing an Officer under the provisions of the Indian Succession Act, 1865, Section 239, to take and keep possession of the same until the Administrator General shall have obtained letters of administration, or until some other person shall have obtained such letters or a certificate from the Administrator General under the provisions of this Act, when the property shall be delivered

District Judge in certain cases to take charge of property of deceased persons, and to report to Administrator General.

delivered over to the person obtaining such letters of administration or certificate, or, in the event of a Will being discovered, to the person who may obtain probate of the Will.

Act not to require administration of estates of soldiers, unless Administrator General authorized by Military Secretary or Committee of Adjustment.

62. Nothing in this Act is intended to require the Administrator General to take proceedings to obtain letters of administration to the estate or effects of any officer or soldier of other person subject to any Articles of War, unless when the Administrator General shall be duly authorized or required so to do by the Military Secretary to Government, or by a Committee of Adjustment or other officers or persons acting under any law for the time being in force relating to the payment of Regimental debts; nor is anything in this Act contained intended to interfere with or alter the provisions of any Act of Parliament for regulating the payment of Regimental debts, and the distribution of the effects of officers and soldiers dying in the service of Her Majesty in India, or of any Articles of War.

Indian Succession Act and Indian Companies' Act not to affect Administrator General.

63. Nothing contained in the Indian Succession Act, 1865, or the Indian Companies' Act, 1866, shall be taken to supersede or affect the rights, duties and privileges of the Administrator General and officiating Administrators General of Bengal, Madras and Bombay respectively.

Power to appoint a Deputy Administrator General for the North-Western Provinces and the Punjab, Oudh and the Central Provinces.

64. It shall be lawful for the Governor General of India in Council to appoint a Deputy Administrator General for all or any of the territories which are or shall for the time being be respectively under the Governments of the said Lieutenant-Governors of the North-Western Provinces and the Punjab, and under the administrations of the Chief Commissioners of Oudh and the Central Provinces; and the provisions contained in this Act as to the Administrator General of Bengal, shall apply to any Deputy Administrator General so appointed, save that in such case this Act shall be construed in the North-Western Provinces, Oudh and the Central Provinces, as if the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William in Bengal and, in the Punjab, as if the Chief Court of the Punjab, were substituted for the High Court of Judicature at Fort William.

SCHEDULE.

SCHEDULE.

Number of Act.	Title of Act.	Extent of Repeal.
VIII of 1855	An Act to amend the law relating to the office and duties of Administrator General.	The whole Act.
XXVI of 1855... ...	An Act to facilitate the payment of small deposits in Governnant Savings' Banks to the representatives of the deceased depositors.	Section 4.
XXVI of 1860... ...	An Act to amend Act VIII of 1855, (relating to the office and duties of Administrator General).	The whole Act.
IV of 1865	An Act to exempt the estates of deceased Officers and Soldiers delivered over to the Administrator General of Bengal, Madras, or Bombay, from the operation of the 26th Section of Act No. VIII of 1855.	The whole Act.
X of 1865...	The Indian Succession Act, 1865	Section 330.
XXV of 1866	An Act to transfer to the Government of India certain securities and monies deposited in the High Courts of Judicature at Fort William, Madras, and Bombay, and in the Supreme Court of the Straits' Settlement, and the proceeds of certain estates in the charge of the Administrator General of Bengal.	So much of the Act as relates to the Administrator General of Bengal.

Madras—Printed by H. Morgan, at the Fort St. George Gazette Press.

ACT No. XXV OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 22nd March* 1867.)

An Act for the regulation of Printing Presses and Newspapers, for the preservation of copies of books printed in British India, and for the registration of such books.

Preamble.

WHEREAS it is expedient to provide for the regulation of Printing Presses and of Periodicals containing news, for the preservation of three copies of every book printed or lithographed in British India, and for the registration of such books; It is hereby enacted as follows:—

PART I.

Preliminary.

Interpretation Clause.

1. In this Act—unless there shall be something repugnant in the subject or context:—

"Book."

"Book" includes every volume, part or division of a volume, and pamphlet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed:

"British India."

"British India" means the territories which are or shall be vested in Her Majesty or Her Successors by the Statute 21 & 22 Vic., Cap. 106 (*An Act for the better Government of India*) other than the Settlement of Prince of Wales' Island, Singapore, and Malacca:

"Magistrate"

[PRICE 1 ANNA AND 6 PIES.]

"Magistrate" means any person exercising the full powers of a Magistrate, and includes a Magistrate of Police and a Justice of the Peace :

"Magistrate."

Words in the singular include the plural, and *vice versa ;* words denoting the masculine gender include females ;

Number. Gender.

And in every part of British India to which this Act shall extend, "Local Government" shall mean the person authorized by law to administer Executive Government in such part, and includes a Chief Commissioner.

"Local Government."

2. Act No. XI. of 1835 is hereby repealed, except so far as it repeals any Regulations, and except as to acts done, offences committed, and liabilities incurred, before the passing of this Act. In any territory acquired by the East India Company or Her Majesty since the passing of the said Act No. XI of 1835, such Act shall, so far only as regards acts, punishments, and fines purporting to have been done, inflicted and levied thereunder, be deemed to have been in force from the date of such acquisition up to the date of passing this Act.

Repeal of Act XI of 1835.

PART II.

Of Printing Presses and Newspapers.

3. Every book or paper printed within British India, shall have printed legibly on it the name of the printer and the place of printing, and (if the book or paper be published) of the publisher, and the place of publication.

Every printed book or paper to bear name of printer and publisher.

4. No person shall, within British India, keep in his possession any press for the printing of books or papers, who shall not have made and subscribed the following declaration before the Magistrate within whose local jurisdiction such press may be :

Keeper of Printing Presses to make declarations.

"I, *A. B.*, declare, that I have a Press for printing at——." And this last blank shall be filled up with a true and precise description of the place where such Press may be situate.

5. No printed periodical work, containing public news or comments on public news, shall be published in British India, except in conformity with the rules hereinafter laid down :

Rules as to publication of printed periodicals containing public news.

(1.) The

(1.) The printer and the publisher of every such periodical work shall appear before the Magistrate within whose local jurisdiction such work shall be published, and shall make and subscribe, in duplicate, the following declaration :—

"I, *A. B.*, declare, that I am the printer (*or* publisher, *or* printer and publisher) of the periodical work entitled—— and printed (*or* published, *or* printed and published, *as the case may be*) at——." And the last blank in this form of declaration shall be filled up with a true and precise account of the premises where the printing or publication is conducted :

(2.) As often as the place of printing or publication is changed, a new declaration shall be necessary :

(3.) As often as the printer or the publisher who shall have made such declaration as is aforesaid shall leave British India, a new declaration from a printer or publisher resident within the said territories shall be necessary.

Authentication and deposit of declaration.

6. Each of the two originals of every declaration so made and subscribed as is aforesaid, shall be authenticated by the signature and official seal of the Magistrate before whom the said declaration shall have been made. One of the said originals shall be deposited among the records of the office of the Magistrate, and the other shall be deposited among the records of the High Court of Judicature, or other Court within the local limits of whose ordinary original Civil jurisdiction the said declaration shall have been made. The Officer in charge of each original shall allow any person to inspect that original on payment of a fee of one Rupee, and shall give to any person applying a copy of the said declaration, attested by the seal of the Court which has the custody of the original, on payment of a fee of two Rupees.

Inspection and copies of declaration.

Office copy of declaration to be *prima facie* evidence.

7. In any legal proceeding whatever, as well Civil as Criminal, the production of a copy of such declaration as is aforesaid, attested by the seal of some Court empowered by this Act to have the custody of such declarations shall be held (unless the contrary be proved) to be sufficient evidence, as against the person whose name shall be subscribed to such declaration, that the said person was printer or publisher, or printer and publisher (according as the words of the said declaration may be) of every portion of every periodical work whereof the title shall correspond with the title of the periodical work mentioned in the declaration.

8. Provided

New declaration by persons who have signed a declaration, and subsequently ceased to be printers or publishers.

8. Provided always, that any person who may have subscribed any such declaration as is aforesaid, and who may subsequently cease to be the printer or publisher of the periodical work mentioned in such declaration, may appear before any Magistrate, and make and subscribe in duplicate the following declaration :—

"I, *A. B.*, declare, that I have ceased to be the printer (*or* publisher, *or* printer and publisher) of the periodical work entitled——."

Each original of the latter declaration shall be authenticated by the signature and seal of the Magistrate before whom the said latter declaration shall have been made, and one original of the said latter declaration shall be filed along with each original of the former declaration. The Officer in charge of each original of the latter declaration shall allow any person applying to inspect that original on payment of a fee of one Rupee, and shall give to any person applying a copy of the said latter declaration, attested by the seal of the Court having custody of the original, on payment of a fee of two Rupees. In all trials in which a copy, attested as is aforesaid, of the former declaration shall have been put in evidence, it shall be lawful to put in evidence a copy, attested as is aforesaid, of the latter declaration, and the former declaration shall not be taken to be evidence that the declarant was, at any period subsequent to the date of the latter declaration, printer or publisher of the periodical work therein mentioned.]

PART III.

Delivery of Books.

Three copies of books printed after this Act comes into force and of all subsequent editions, to be delivered to Government within a month.

9. Three printed or lithographed copies of the whole of every book which shall be printed or lithographed in British India after this Act shall come into force, together with all maps, prints or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same shall be produced, and also of any second or subsequent edition which shall be so produced with any additions or alterations, whether the same shall be in letter-press or in the maps, prints or other engravings belonging thereto, and whether the first edition of such book shall have been produced before or after this Act shall come into force, shall, within one calendar month after the day in which any such book shall first be delivered out of the press, and notwithstanding any agreement (if the book be published) between the printer and publisher thereof, be delivered by the printer, bound, sewed or stitched together, and upon the best paper on which

which the same shall be printed or lithographed, at such place and to such officer as the Local Government shall, by notification in the official *Gazette*, from time to time direct. The publisher or other person employing the printer shall, at a reasonable time before the expiration of the said month, supply him with all maps, prints and engravings, finished and coloured as aforesaid, which may be necessary to enable him to comply with the requirements aforesaid. Nothing in the former part of this Section shall apply to any periodical work published in conformity with the rules laid down in Section 5 of this Act.

Receipt and payment for copies

10. Such officer shall thereupon give a receipt in writing for the copies so received, and, if the book is for sale to the public, shall, on the publication thereof, pay the publisher for the same copies at the rate at which the book shall be *bona fide* sold for cash to the public.

Disposal of the three copies.

11. One of such copies shall be transmitted to the Secretary of State for India, another copy shall be disposed of as the Governor General of India in Council shall from time to time, by general or special order, direct, and the remaining copy shall, after a memorandum containing the particulars hereinafter mentioned respecting the book shall have been registered as hereinafter provided, be deposited in such public library, or be otherwise disposed of, as the Local Government shall from time to time determine.

PART IV.

Penalties.

Penalty for printing contrary to rule in Section 3.

12. Whoever shall print or publish any book or paper otherwise than in conformity with the rule contained in Section 3 of this Act, shall, on conviction before a Magistrate, be punished by fine not exceeding five thousand Rupees, or by simple imprisonment for a term not exceeding two years, or by both.

Penalty for keeping press without making declaration required by Section 4

13. Whoever shall keep in his possession any such press as aforesaid, without making such a declaration as is required by Section 4 of this Act, shall, on conviction before a Magistrate, be punished by fine not exceeding five thousand Rupees, or by simple imprisonment for a term not exceeding two years, or by both.

Punishment for making false statement.

14. Any person who shall, in making any declaration under the authority of this Act, make a statement which is false, and which he either knows or believes to be false, or does not believe to be true, shall,

shall, on conviction before a Magistrate, be punished by fine not exceeding five thousand Rupees, and imprisonment for a term not exceeding two years.

Penalty for printing or publishing periodicals without conforming to rules.

15. Whoever shall print or publish any such periodical work as is hereinbefore described, without conforming to the rules hereinbefore laid down, or whoever shall print or publish, or shall cause to be printed or published, any such periodical work, knowing that the said rules have not been observed with respect to that work, shall, on conviction before a Magistrate, be punished with fine not exceeding five thousand Rupees, or imprisonment for a term not exceeding two years, or both.

Penalty for non-delivery of books.

16. If any printer of any such book as is referred to in Section 9 of this Act, or of any second or subsequent edition of any such book, shall neglect to deliver three copies of the same pursuant to this Act, he shall for every such default forfeit, besides the value of the copies which he ought to have delivered, a sum not exceeding fifty Rupees to be recovered by the said officer on conviction before a person exercising any of the powers of a Magistrate. If any publisher or other person employing any such printer shall neglect to supply him in manner aforesaid with the maps, prints or engravings, finished and coloured as aforesaid, which may be necessary to enable him to comply with the provisions of the same section, such publisher or other person shall, for every such default, forfeit, besides the value of the said maps, prints or engravings which he ought to have supplied, a sum not exceeding the said amount, and such sum shall be recovered in manner last aforesaid.

Mode of recovering fines.

17. All pecuniary penalties imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras, and Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act for regulating the Police of such towns in force for the time being. All such penalties shall be disposed of as the Local Government shall from time to time direct.

PART V.

Registration of Books.

Registration of memoranda of books.

18. There shall be kept at such office, and by such officer as the Local Government shall appoint in this behalf, a book to be called a Catalogue of books printed in British India, wherein shall be registered a memorandum of every book which shall have been

been delivered pursuant to Section 9 of this Act. Such memorandum shall (so far as may be practicable) contain the following particulars ; (that is to say) :—

(1.)—The title of the book and the contents of the title-page, with a translation into English of such title and contents, when the same are not in the English language :

(2.)—The language in which the book is written :

(3.)—The name of the author, translator, or editor of the book or any part thereof :

(4.)—The subject :

(5.)—The place of printing and the place of publication :

(6.)—The name of firm of the printer and the name or firm of the publisher :

(7.)—The date of issue from the press or of the publication :

(8.)—The number of sheets, leaves, or pages :

(9.)—The size :

(10.)—The first, second or other number of the edition :

(11.)—The number of copies of which the edition consists :

(12.)—Whether the book is printed or lithographed :

(13.)—The price at which the book is sold to the public ; and

(14.)—The name and residence of the proprietor of the copyright or of any portion of such copyright.

Such memorandum shall be made and registered in the case of each book as soon as practicable after the delivery of the copies thereof in manner aforesaid. Every registration under this Section shall, upon payment of the sum of two Rupees to the officer keeping the said Catalogue, be deemed to be an entry in the Book of Registry kept under Act No. XX of 1847 *(for the encouragement of learning in the Territories subject to the Government of the East India Company, by defining and providing for the enforcement of the right called copyright therein)* ; and the provisions contained in that Act as to the said Book of Registry shall apply, *mutatis mutandis* to the said Catalogue.

Publication of memoranda registered.

19. The memoranda registered during each quarter in the said Catalogue shall be published in the local Gazette, as soon as may be after the end of such quarter, and a copy of the memoranda so published shall be sent to the said Secretary of State, and to the Secretary to the Government of India in the Home Department respectively.

PART VI.

PART VI.

Miscellaneous.

Power to make rules

20. The Local Government shall have power to make such rules as may be necessary or desirable for carrying out the objects of this Act, and from time to time to repeal, alter and add to such rules. All such rules, and all repeals and alterations thereof, and additions thereto, shall be published in the local *Gazette*.

Power to exclude any class of books from operation of Act.

21. The Governor General of India in Council may, by notification in the *Gazett of India*, exclude any class of books from the operation of the whole or any part or parts of this Act.

Continuance of Act.

22. Part III, and Section 16 and Part V of this Act shall remain in force until the Governor General of India in Council shall declare to the contrary by notification in the *Gazette of India*.

Commencement of Act.

23. This Act shall come into operation on the first day of July 1867.

Madras—Printed by H. MORGAN, at the Fort St. George Gazette Press

ACT No. XXVI OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 22nd March* 1867.)

An Act to amend the law relating to Stamp Duties.

Preamble.

WHEREAS it is expedient to amend the law relating to Stamp Duties; It is hereby enacted as follows :—

Interpretation Clause.

1. In this Act—unless there be something repugnant in the subject or context—

"High Court."

"High Court" means the highest Court of appeal in every part of British India to which this Act extends :

"Immoveable property."

"Immoveable property" includes land and every benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth :

"Moveable property."

"Moveable property" means property of every description except immoveable property.

Exception in Section 30 of Act X of 1862 not to apply to High Court, North-Western Provinces, and Section 2 of Act No. XX of 1862, applied to such Court.

2. The exception at the beginning of Section 30 of Act No. X of 1862 (*to consolidate and amend the law relating to stamp-duties*), shall not apply to the High Court of Judicature of the North-Western Provinces of the Presidency of Fort William in Bengal, and Section 2 of Act No. XX of 1862, as continued by Act No. XXXII of 1863, shall apply, *mutatis mutandis*, to the same Court.

3. Section

[PRICE 1 ANNA AND 6 PIES.]

Section 2 of this Act to have a retrospective effect.

3. Section 2 of this Act shall be deemed to have had and to have effect as if it were part of an Act which had actually passed and received the assent of the Governor General of India on the 13th day of June 1866.

Act VIII of 1859, Sections 133, 150 and part of Section 198, repealed.

4. Sections 133 and 150 of the Code of Civil Procedure, and the following words in Section 198 of the same Code:—"the application may be made either orally or by writing on unstamped paper,"—are hereby repealed.

Addition to Article 43 in Act No. X of 1862, Schedule A.

5. In the said Act No. X of 1862, Schedule A shall be read as if at the end of Article 43 the following clause were added; (that is to say):—

	Rupees.	*Annas.*
If the letter or power of attorney be made for the sole purpose of appointing or nominating a proxy to vote at any one meeting of the proprietors or shareholders of or in any Joint Stock Company or other Company or Society whose stock or funds is or are divided into shares and transferable.....	0	4

Schedule substituted for Schedule B to Act X of 1862.

6. In the same Act, for Schedule B, the following shall be substituted:—

SCHEDULE B.

Appeal—*see* Petition.

Application—*see* Petition.

	Rupees.	*Annas.*
1. Bond or other obligation, whether the money secured or to be ultimately recoverable thereupon shall be limited or unlimited, when given by the direction of any Court or Revenue authority	0	8
EXEMPTION.		
Bail bonds in Criminal cases, recognizances to prosecute or give evidence, and personal recognizances for appearance or otherwise.		
2. Certificate granted under Act XXVII of 1860 (*for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons*), or under regulation VIII of 1827 of the Bombay Code (*to provide for the formal recognition of Heirs, Executors, and Administrators, and for the appointment of Administrators and Managers of property by the Courts*), or under Act XL of 1858 (*for making better provision for the care of the persons and property of minors in the Presidency of Fort William in Bengal*) if the debt or other property in respect to which the certificate is granted is sworn not to exceed 500 Rupees in amount or value	5	0
If the property is sworn to exceed 500 Rupees but not to exceed 1,000 Rupees.	10	0
And for every additional 1,000 Rupees or fraction of 1,000 Rupees	5	0
The person to whom any such certificate is granted under the said Act XXVII of 1860, or his representative, shall, after the expiration of twelve months from the date of such certificate, and thereafter whenever the Court which granted the certificate shall require him so to do, file a statement of all moneys recovered or realized by him under such certificate, and if the moneys so recovered or realized shall exceed the amount of the debts or other property as sworn to by the person to whom the certificate is granted, the Court may cancel the same and order such person to take out a fresh certificate on the stamp prescribed by this Article for such excess. In default of filing such statement within the time allowed, the Court may cancel the certificate.		

3. Copy

	Rupees.	Annas.
3 Copy of decree or order having the force of a decree—		
When passed by the High Court	1	0
When passed by any Civil Court, other than a High Court, or by any Revenue Court—		
If the decree or order purports to determine a claim of which the subject matter is 50 Rupees or less than 50 Rupees in amount of value	0	8
If such amount or value exceeds 50 Rupees.....	1	0
4. Copy or translation of a judgment or order not being, or having the force of a decree—		
When passed by the High Court	1	0
When passed by any civil Court other than the High Court, or by any Revenue Court, or by the Board of Revenue, or by any Chief Commissioner or other Chief Revenue or Executive authority, or by any Commissioner of Circuit, or any chief officer charged with the executive administration of a Division—		
If the subject to which the judgment or order refers is 50 Rupees or less than 50 Rupees in amount or value.....	0	4
If such amount or value exceed 50 Rupees.....	0	8
5. Copy of any Revenue or judicial proceeding or order not provided for in Articles 3 and 4, or copy of any account, statement, report, or the like, taken out of any Civil or Criminal Court, or any Revenue Court or office, or any office of any Commissioner of Circuit, or any chief officer charged with the executive administration of a Division—per sheet.....	0	8
6. Copy of any Deed, Instrument, or Writing, stamped in accordance with Schedule A annexed to this Act, when left by any party to a suit on proceedings in place of the original withdrawn.	The same stamp as the original, when such stamp does not exceed 8 Annas, otherwise a stamp of 8 Annas per sheet. Provided that the stamp-duty on the copy shall never exceed the stamp-duty on the original.	
EXEMPTION		
Copy of any such Deed, Instrument, or Writing, when the original does not require a stamp under the said Schedule A.		
7. Mukhtárnáma, Wakálatnáma, and other power, filed or presented for the conduct of any one case in any Court or before any Revenue or executive authority—		
When presented to the High Court, the Board of Revenue, the Chief Commissioner, or other chief Revenue or Executive authority	2	0
When presented to a Commissioner of Revenue or Circuit, or to any chief officer charged with the executive administration of a Division, or to a Commissioner of Customs, not being the chief revenue or executive authority.....	1	0
When presented to any Court, civil or criminal, other than the High Court, or to any Revenue Court, or to any Collector or Magistrate or other revenue or executive officer, not being an authority already provided for by this Article....	0	8
EXEMPTIONS.		
Mukhtárnámas executed by an officer or soldier of the Army.		
No advocate of any High Court shall be required to file or present a Mukhtárnáma or Wakálatnáma, or any other document empowering him to act.		
8. Petition of appeal not being from an order rejecting a plaint, or from a decree or order having the force of a decree—		
When presented to the High Court...	2	0
When presented to any civil Court, other than the High Court, or to any Revenue Court, other than the Board of Revenue	0	8
9. Petition of appeal when presented to the Board of Revenue or to the Chief Commissioner, or other chief revenue or executive authority... ...	2	0
10. Any other petition, and any application—		
When presented to the High Court...		
When presented to the Board of Revenue or to the Chief Commissioner or other chief revenue or executive authority, or to a Commissioner of Revenue or		

Circuit,

	Rupees.	Annas.
Circuit, or to any chief officer charged with the executive administration of a Division...	1	0
When presented to any criminal Court, when the petition or application contains a complaint of the offence of wrongful confinement or wrongful restraint, or of any offence other than an offence for which Police officers may arrest without warrant, as specified in column 3 of the Schedule annexed to the Code of Criminal Procedure	1	0
When presented to any civil Court, other than a principal Civil Court of original jurisdiction, or to any Cantonment Joint Magistrate sitting as a Court of Civil Judicature under Act III of 1859 (*for conferring Civil Judicature in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds*), or to any Court of Small Causes constituted under Act XI of 1865 (*to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original Civil jurisdiction of the High Courts of Judicature*), or to a Collector or officer of revenue in relation to any suit or case in which the amount or value of the subject-matter is less than 50 Rs...	0	1
When presented to the Collector of Customs at any Presidency town, to any Municipal Commissioners, or to any Magistrate or Justice of the Peace, under Act XIV of 1856, or any other Act for the time being in force for the conservancy and improvement of any Presidency town.		
When presented to any civil, criminal or revenue Court, or any Board of Revenue, or any Commissioner of Revenue or Circuit, or any chief officer charged with the executive administration of a Division for a copy or for a translation of any judgment, decree or order or other document on record.		
Petition or application not falling within any of the other provisions, or of the exemptions of this Schedule, presented to a civil, criminal or revenue Court, or to any Collector or other revenue authority or any Magistrate in his executive capacity...	0	8

EXEMPTIONS.

A first application for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of any exhibit.

Petition of appeal presented to a Magistrate against the Chaukídárí assessment.

Petition to a Collector or officer making a settlement, relating to matters connected with the assessment of lands, the ascertainment of rights, or to any other matter affecting the settlement of the Government revenue on land, if presented pending the formation of such settlement.

Petition to a Board or Commissioner of revenue relating to the same.

Any application for permission to cut timber in Government forests, or relating to such forests.

Petition, application, charge, or information respecting any offence, when presented, made or laid before an officer of Police or before the heads of villages in the Presidency of Fort St. George or before village Police officers in the Presidency of Bombay.

Any such petition, application, charge, or information presented, made or laid before a criminal Court, when such Court shall think that it ought to be exempted from stamp-duty.

Petition from any prisoner, convict, or other person in duress, or under restraint of any Court or its officers.

11. PLAINT OR APPEAL, Petition of, in suits and appeals not otherwise provided for, instituted in any civil or revenue Court outside the local limits of the ordinary original civil jurisdiction of the Courts established by Royal Charter, for the recovery of any sum of money, or to obtain possession of any interest, matter or thing—

If the amount or value of the property claimed does not exceed 10 Rs.	1	0
If it exceeds 10 Rs. and does not exceed 100 "	1 Rupee *plus* 8 Annas per 5 Rupees or fraction of 5 Rupees of the difference between 10 Rupees and the amount or value sued for.	

If

If it exceed 100 Rs. and does not exceed 1,000 Rs.

Illustration.—
Where the amount or value is Rupees 32-8, the duty is Rupees 3-6.
1 Rupee per 10 Rupees or fraction of 10 Rupees.

1,000 „ „ 20,000 „

Illustration.—
Where the amount or value is Rupees 485-8, the duty is Rupees 49.
100 Rupees *plus* 5 Rupees per 100 Rupees or fraction of 100 Rupees of the difference between 1,000 Rupees and the amount or value sued for.

20,000 „ „ 1,00,000 „

Illustration.—
Where the amount or value is Rupees 1,250-8, the duty is Rupees 115.
1,050 Rupees *plus* 1 Rupee per 100 Rupees or fraction of 100 Rupees of the difference between 20,000 Rupees and the amount or value sued for.

100,000 Rupees.

Illustration.—
Where the amount or value is Rupees 43,450-8, the duty is Rupees 1,285.
1,850 Rupees *plus* 8 Annas per 100 Rupees or fraction of 100 Rupees of the difference between 100,000 Rupees and the amount or value sued for.
Illustration.—
Where the amount or value is Rupees 5,93,150-8, the duty is Rupees 4,316.

If the suit be instituted in a Military Court of Requests, or in the Court of a Cantonment Joint Magistrate under the said Act IH of 1859, or in a Court of Small Causes established under Section 6 of Act XXII of 1864 (*to make provision for the administration of Military Cantonments*), and the amount or value claimed does not exceed 8 Rupees. .....

	Rupees.	*Annas.*	
If it exceeds 8 Rupees, and does not exceed 16 Rupees.....	0	4	The same stamp as for a suit in any other Court.
If it exceeds 16 Rupees, and does not exceed 30 Rupees	0	8	
If it exceeds 30 Rupees.....	1	0	

In suits for possession instituted under Section 15, Act XIV of 1859, and applications for immediate possession under Section 1, clause 2 of Act No. XVI of 1838, and Act No. V of 1864 passed by the Governor of Bombay in Council..... .... — A stamp of one-fourth the value prescribed in the foregoing scale.

NOTE.—(*a*). In suits for immoveable property whether paying or not paying revenue to Government, the amount of stamp-duty payable shall be computed according to the market value of the property in suit. In suits for immoveable property paying revenue to Government, where the settlement is temporary, eight times the revenue so payable, and where the settlement is permanent, ten times the revenue so payable, and in suits for immoveable property not paying revenue to Government, twenty times the annual net profits of such property, shall be taken to be the market-value thereof, unless and until the contrary shall be proved.

SPECIAL RULES FOR THE BOMBAY PRESIDENCY.

(1). In the case of lands held on a settlement for a period not exceeding thirty years and paying the full assessment to Government, a sum equal to eight times the survey assessment shall be taken to be the market-value.

(2). IN

Rupees. *Annas.*

(2). In the case of lands held on a permanent settlement or on a settlement for any period exceeding thirty years and paying the full assessment to Government, a sum equal to ten times the survey assessment shall be taken to be the market-value.

(3). When the whole or any part of the annual survey assessment is remitted, the valuation calculated by the preceding rules shall be increased by ten times the portion of assessment remitted.

(*b*). In all other descriptions of suits, the amount of stamp-duty payable shall be computed in the following manner :—

(1). In suits for moveable property (other than money), according to the market-value of the subject-matter of the suit at the date of filing the plaint, or where the subject-matter has no market-value, as, for instance, in the case of documents relating to title, or accounts, the amount at which the subject-matter shall be estimated in the petition of plaint or appeal

(2). In suits (other than suits under Act No. XV of 1865, or Act No. XXI of 1866), in which it is not possible to estimate at a money value the subject-matter of the suit. 10

(3). In suits for money (including suits for damages and compensation), according to the amount claimed.

In order to ascertain the market-value or the annual net profits of any such property as is described in NOTE (*a*) and in NOTE (*b*), the Court may either of its own motion or on the application of any party to the suit issue a commission to any proper person, directing him to make such local or other investigation as may be necessary and to report thereon to the Court, and the decision of the Court as to the market-value or annual net profits shall be final If in the result of any such investigation, the Court shall find that the market-value or net profits has or have been erroneously estimated for the purpose of computing the stamp-duty, the Court shall either (as the case may be) refund the excess paid as such duty, or require the plaintiff to pay so much additional stamp-duty as would have been payable had the said market-value or net profits been correctly estimated, and in such case the suit shall be stayed until the additional duty shall have been paid.

Section 180 of the Code of Civil Procedure shall be construed as if the words "the market-value of any property in suit or" were inserted after the word "ascertaining," and as if the words "or annual net profits" were inserted after the word "damages."

(*c*). In suits for mesne profits or for immoveable property and mesne profits, if the profits decreed are in excess of the profits claimed, the decree shall not be executed until the difference between the stamp-duty actually paid and the stamp-duty which would have been payable had the suit comprised the whole of the profits so decreed, shall have been paid to the proper officer. Such difference shall be calculated by the Court according to the rules above mentioned, and shall be costs in the suit.

(*d*). If an appeal or plaint, which shall have been rejected by the lower Court on any of the grounds mentioned in the Code of Civil Procedure, shall be ordered to be received, or if a suit shall be remanded in appeal, on any of the grounds mentioned in Section 351 of the same Code, for a second decision by the lower Court, the Appellate Court shall grant to the appellant a certificate, authorizing him to receive back from the Collector the full amount of stamp-duty paid on the petition of appeal. Provided that, if, in the case of a remand in appeal, the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorize the appellant to receive back more than so much duty as would have been originally payable on the part or parts of such subject-matter in respect whereof the suit has been remanded.

(*e*). When any appeal shall be presented to a civil Court, not against the whole of a decision, but only against so much thereof as relates to a part or parts of the subject-matter of the suit, and, on the hearing of such appeal, the respondent shall take under Section 348 of the Code of Civil Procedure, an objection to any part of the said decision other than the part appealed against,

the

the Court shall not hear such objection until the respondent shall have paid the additional stamp-duty which would have been payable had the appeal comprised the part of the decision so objected to. Such additional stamp-duty shall be calculated by the Court according to the rules abovementioned, and shall be costs in the suit.

GENERAL RULE.—If the subject-matter of any plaint, written statement, petition, or copy of a decree or order cannot be conveniently comprised within one stamp-paper of the value prescribed by this Schedule, one or more additional pieces of paper may be used bearing a stamp of the value required for petitions. This rule does not apply to copies of judgments; and additional pieces of paper required for such copies need not be stamped.

Written examinations of complainants.

7. When the first or only examination of a person who complains of the offence of wrongful confinement, or of wrongful restraint, or of any offence other than an offence for which police officers may arrest without a warrant as specified in the third column of the Schedule annexed to the Code of Criminal Procedure, and who has not already presented a petition stamped as required by Article 10 of Section 6 of this Act, shall be reduced to writing under the provisions of the Code of Criminal Procedure, such examination shall be written upon stamp-paper of the value of one Rupee to be supplied by the complainant, unless the Court shall think fit to write such examination upon plain paper.

Certain Sections of this Act to be read with Act No. X of 1862.

8. Sections 1, 5, 6 and 7 of this Act shall be read with and taken as part of the said Act No. X of 1862: provided that nothing contained in these Sections shall have a retrospective operation.

Act not to affect Act XVIII of 1865.

9. Nothing in this Act shall affect Act No. XVIII of 1865 *(to amend Act No. X of 1862)* or any order passed thereunder, and nothing in this Act shall affect the stamps or fees leviable under the Indian Succession Act, 1865, the Parsee Marriage and Divorce Act, 1865, the Native Convert's Marriage Dissolution Act, 1866, nor any other stamp or fee leviable on any application, bond, certificate, copy, petition, power or translation not hereinbefore expressly provided for.

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ACT No. XXVII OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 22nd March* 1867.)

An Act to empower Deputy Commissioners in the Central Provinces, the Panjab, Oudh and the Jhansi Division to distribute the business in subordinate Courts.

Preamble.

WHEREAS it is expedient to enable Deputy Commissioners in the Central Provinces the Panjab, Oudh, and the Jhansi Division to direct the business in the Courts subordinate to them, respectively, to be distributed among such Courts in such way as the said Deputy Commissioners shall respectively think fit; It is hereby enacted as follows :—

Deputy Commissioners empowered to distribute business in Courts subordinate to them.

1. Notwithstanding any thing contained in Act No. VIII of 1859 (*for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter*), Act No. XIV of 1865 (*to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces*), Act No. XIX of 1865 *to define the jurisdiction of the Courts of Judicature of the Panjab and its dependencies*), or Act No. XVIII of 1867 (*to define the jurisdiction of the Courts of Civil Judicature in the Jhansi Division*), every Deputy Commissioner in Oudh, the Central Provinces, the Panjab and its dependencies and the Jhansi Division, may direct the business in the Courts subordinate to him, whether or not they hold their sittings in the same place, to be distributed among such Courts in such way as he shall think fit.

Nothing in Act to apply to Small Cause Courts.

2. Nothing in this Act shall apply to Courts of Small Causes.

3. This

[PRICE 6 PIES.]

This Act to be read with Acts Nos. XIV and XIX of 1865 and XVIII of 1867.

3. This Act shall in the Central Provinces be read with and taken as part of the said Act No. XIV of 1865; in the Panjab and its dependencies, as part of the said Act No. XIX of 1865, and in the Jhansi Division as part of the said Act No. XVIII of 1867.

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ACT No. XXVIII OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 22nd March* 1867.)

An Act to remove doubts as to the legality of certain sentences passed by tribunals, called Petty Sessions Courts, in the North-Western Provinces.

Preamble.

WHEREAS certain Magistrates in the North-Western Provinces of the Presidency of Fort William in Bengal have been used to sit together in certain places in the said Provinces as a Court of Petty Sessions and to pass sentences in that capacity: And whereas doubts have been raised as to the legality of such proceedings and sentences, and it is expedient to remove such doubts; It is hereby enacted as follows:—

Validity given to process, &c., signed by Magistrates in Petty Sessions.

1. When two or more persons authorized to exercise all or any of the powers of a Magistrate sit together for the despatch of business in any place in the said Provinces, any summons, warrant or process or other proceeding, and any order, judgment, finding or sentence, signed by any two or more of them, shall be as valid to all intents and purposes as if it were solely signed, when the powers of one or more of them are higher than the powers of the others or other of them, by such one of them as has or by one of such of them as have, been invested under Section 23 of the Code of Criminal Procedure with the highest of such powers, or, when their powers are equal, by any one of them.

2. All

[PRICE 6 PIES.]

Sentences heretofore passed by Magistrates in Petty Sessions, to be valid.

2. All sentences heretofore passed by any Magistrates sitting together in any such place as aforesaid, shall be deemed to be as valid as if this Act had then been passed.

High Court may frame rules.

3. It shall be lawful for the High Court of Judicature for the said Provinces to frame rules consistent with this Act and with the Code of Criminal Procedure, for the conduct of business transacted by Magistrates sitting together in manner aforesaid, and from time to time to repeal, alter and add to such rules. All such rules, and all repeals and alterations thereof, and additions thereto, shall be published in the local *Gazette*.

Act may be extended.

4. It shall be lawful for any Local Government other than the Government of the North-Western Provinces, to extend, *mutatis mutandis*, the provisions of this Act to all or any part of the territories under its Government.

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ACT No. XXIX OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the* 13*th June* 1867.)

An Act to explain and amend Act No. XXI of 1867.

Preamble.

WHEREAS it is expedient to explain and amend Act No. XXI of 1867 (*for the licensing of Professions and Trades*); It is hereby enacted as follows:—

New Sections substituted for Sections 10 and 11 of Act XXI of 1867.

1. Sections 10 and 11 of the said Act are hereby repealed, and in lieu thereof respectively shall be substituted the following (that is to say):—

Collector to determine licensees and their classes

"10. The Collector shall from time to time determine what persons are liable to take out licenses under this Act, and under which of the classes mentioned in Schedule A to this Act annexed every such person shall be assessed.

Annual list of licensees.

"11. As soon as may be after the first day of May 1867, and the same day in every subsequent year the Collector shall prepare a list of the persons to be licensed under this Act in the district or place aforesaid, and may from time to time alter and add to the said list. Such list shall state—

(1.)—The profession or trade of each of the persons therein named.

(2.)—The

[PRICE 9 PIES.]

(2.)—The class under which he is assessed, and

(3.)—The sum to be paid for his license.

Such list shall be filed in the office of the Collector, and the list, or such part or parts thereof as he shall think fit, shall be filed in such other places as the Collector shall direct, and shall be open to public inspection at all reasonable times without the payment of any fee."

Section 12 of Act XXI of 1867 amended.

2. In lieu of the first sentence of Section 12 of the said Act, the following shall be substituted (that is to say): "Any person named in such list, and objecting to the class under which he is assessed, or denying his liability to be assessed under this Act shall be at liberty, if before the 15th day of June 1867 he shall have paid the sum in which he has been assessed under this Act, within thirty days of the said 15th day of June 1867, or if he pay such sum after the said 15th of June 1867, then within thirty days from such payment, to apply by petition to the Collector in order to establish his right to have his name transferred to another class or removed from the list." And Schedule C to the said Act annexed shall be read as if, for the words "persons licensed," the words "persons to be licensed" were substituted, and as if the following words were added thereto (that is to say) "[*or* that his name may be removed from the said list.]"

Amendment of Schedule C.

New Section substituted for Section 15 of Act XXI of 1867.

3. Section 15 of the said Act is hereby repealed, except as to offences committed and liabilities incurred before the passing of this Act, and in lieu thereof shall be substituted the following (that is to say):—

Penalty for carrying on business without a license.

"15. If the Collector shall have caused a notice to be served on any person stating the class under which he has been assessed, and requiring him within seven days from the date of the service to take out a license and to pay for the same the sum (mentioning it) payable therefor under the provisions of this Act, and if the person so served shall not within the period specified in the said notice, have taken out a license and paid for the same as required by the said notice, he shall, on conviction before a Magistrate, be subject to a penalty not exceeding Rupees five hundred, and not less than the sum mentioned in such notice. Every such notice shall be deemed to be sufficiently served if left at the residence or usual place of business of the person to whom it is addressed."

4. The

4. The first two sentences of Section 19 of the said Act are hereby repealed, and in lieu thereof the following shall be substituted (that is to say): "On and after the 1st day of May 1867 every Trading Company or Association in British India, whose stock or funds is or are divided into shares and transferable, whether such Company or Association be incorporated or not, and whether its principal place of business be situate in British India or not, shall take out a license and pay for the same such annual sum as is mentioned in Schedule B to this Act annexed. Provided that if any such Company or Association satisfy the Collector that the payment to which it is liable under this section, exceeds two per cent. of its profits during the year ending on the thirtieth day of April preceding the year of assessment from its operations in British India, then the Collector shall grant a license to such Company or Association upon payment of the sum of two per cent. on such profits: Provided also that for any such license which shall be granted between the first day of November in each year and the thirtieth day of April next ensuing, there shall be paid only one-half of such annual sum, or of such sum of two per cent. on such profits."

Section 19 of Act XXI of 1867 amended.

5. The provisions of the sections respectively substituted by this Act for Sections 10, 11, and 15 of the said Act apply to Trading Companies and Associations under Section 19 of the same Act, as amended by this Act. Provided that the maximum penalty to which a Trading Company or Association shall be subject on conviction under the section substituted by this Act for Section 15 of the said Act, shall be Rupees two thousand.

New Sections 10, 11, and 15 to apply to Trading Companies.

6. This Act shall be read with and taken as part of the said Act No. XXI of 1867, and shall have effect as from the eighth day of March 1867.

This Act to be read with Act XXI of 1867.

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ACT No. XXX OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 19th June* 1867.)

An Act to amend Act XIX of 1861 *(to provide for a Government Paper Currency).*

Preamble.

WHEREAS under Section 8 of Act XIX of 1861 *(to provide for a Government Paper Currency)*, the Promissory Notes of the Government of India issued under that Act are payable only at the Office, or Offices, or Agencies of Issue of the city or town from which they are severally issued, and at the Presidency town of the Presidency within which such city or town is situated : And whereas it is expedient to empower the Governor General of India in Council to declare that for the purposes of the said Act any such city or town, other than a Presidency town, shall be deemed to be situated within such Presidency as he shall from time to time declare by Notification in the *Gazette of India ;* It is hereby enacted as follows :—

Power to transfer for purposes of Currency Act any town from one Presidency to another.

1. It shall be lawful for the Governor General of India in Council from time to time to declare by Notification in the *Gazette of India* that any city or town (other than a Presidency town) from which Promissory Notes of the Government of India are or shall be issued under the said Act, shall, for the purposes of such Act, be deemed to be situated within such Presidency as shall be specified in that behalf in the said Notification; and thereupon such city or town shall, for the purposes of the same Act, be deemed to be situate within the Presidency so specified.

This Act to be read with Act XIX of 1861.

2. This Act shall be read with and taken as part of the said Act No. XIX of 1861

[PRICE 6 PIES.]

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ACT No. XXXI OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 26th June* 1867.)

To render penal certain offences committed by servants of Railway Companies.

Preamble.

WHEREAS, it is expedient to extend certain provisions of the Indian Penal Code relating to public servants to persons in the employment of Railway Companies; It is hereby enacted as follows:—

Interpretation Clause.

1. In this Act "Railway Company" means the proprietors for the time being of every railway or tramway situate in the territories vested in Her Majesty or her successors under the Statute 21 & 22 Vic., Cap. 106 (*An Act for the better government of India*), or (so far only as regards British subjects within the dominions hereinafter mentioned) situate in the dominions of Princes and States in the East Indies in alliance with Her Majesty or her successors, and the lessees, representatives and assigns of such proprietors.

Railway Officers and servants to be "public servants" within meaning of Penal Code.

2. Every officer and servant of a Railway Company shall be deemed a public servant within the meaning of Sections 161, 162, 163, 164, and 165 of the Indian Penal Code.

3. In

[PRICE 6 PIES.]

"Government" to include a Railway Company.

3. In the definition of legal remuneration contained in the said Section 161 the word 'Government' shall, for the purposes of this Act, be deemed to include a Railway Company.

Short Title.

4. This Act shall be called "The Railway Servants' Act, 1867."

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ACT No. XXXII OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the* 18*th July* 1867.)

A Bill to enable the Governor General in Council to delegate to a Chief Commissioner powers conferred on a Local Government.

Preamble.

WHEREAS it is expedient to enable the Governor General of India in Council to delegate to any of the Chief Commissioners of Oudh, the Central Provinces, and British Burmah, any power conferred on the Governor General in Council as the Local Government of the territories under the administration of such Commissioner by any Act of the said Governor General in Council; It is hereby enacted as follows :—

Governor General in Council empowered to delegate to Chief Commissioners powers given to Local Government by Act of Governor General in Council.

1. It shall be lawful for the Governor General of India in Council, by a Notification published in the *Gazette of India* to delegate to the Chief Commissioner of Oudh, the Central Provinces, or British Burmah, as the case may be, all or any of the powers heretofore or hereafter conferred by any Act of the Governor General of India in Council on the Governor General of India in Council as the Local Government of the territories under the administration of such Chief Commissioners; and all acts done by the Chief Commissioner, to whom any such power shall have been delegated as aforesaid, in exercise of the same power, shall be as valid as if they had been done by the said Governor General in Council.

Short Title.

2. This Act may be called "The Chief Commissioners' Powers' Act."

[PRICE 6 PIES.]

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ACT No. XXXIII OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the* 18*th July* 1867.)

A Bill to amend Act No. XXXI of 1861.

Preamble.

WHEREAS it is expedient to amend Act No. XXXI of 1861 *(to regulate the manufacture of Saltpetre and the sale of Salt reduced in the refinement thereof)*; It is hereby enacted as follows :—

Amendment of Act XXXI of 1861, Section 6

1. Section 6 of the said Act shall be read as if for the words "fine of Rupees five hundred," the following were substituted (that is to say,) "fine not exceeding Rupees five hundred."

[PRICE 6 PIES.]

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ACT No. XXXIV OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the* 1*st August* 1867.)

An Act to repeal Act No. XIX of 1866 *in the places to which the Madras Salt Excise Act,* 1867, *may be made applicable.*

Preamble.

WHEREAS it was enacted by Section 1 of Act No. XIX of 1866 [*(to enhance the price of Salt manufactured and sold under the orders of the Governor of the Presidency of Fort Saint George in Council)*, that Section 43 of Act No. VI of 1844 should be repealed, and that, in lieu thereof, the following Section should be substituted; (that is to say) :—

"XLIII. The price to be paid to the Government of the Presidency of Fort "Saint George, for salt manufactured and sold under the orders of the Governor "of the Presidency in Council, for consumption within the territories subordinate to the same Presidency, shall, from and after the passing of this Act, be one Rupee "and eleven Annas for every three thousand two hundred tolas weight of salt."

And whereas, with the previous sanction of the Governor General of India, a Bill to be called the Madras Salt Excise Act, 1867, has been introduced into the Council of the Governor of Fort Saint George for the purpose of making Laws and Regulations, to enable the Local Government to levy a duty, by way of Excise, on salt manufactured in the districts to which such Act may be made applicable, and there to fix the Salt Excise and Import Duties, and the selling price of salt imported by the Government, at such rates as the Governor of Fort Saint George in Council, with the sanction

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tion of the Governor General of India in Council, may, from time to time, determine: And whereas, in order to give effect to the proposed enactment, it is necessary to render the said Act No. XIX of 1866, and the Section substituted thereby for the original Section 43 of Act No. VI of 1844, inoperative in those districts to which the said Madras Salt Excise Act, 1867, may be made applicable; It is hereby enacted as follows :—

Prospective repeal of Act No. XIX of 1866.

1. In all districts, or parts of districts, of the Madras Presidency to which the said Madras Salt Excise Act of 1867 may be made applicable, Act No. XIX of 1866 of the Governor General of India in Council and the said Section thereby substituted for the original Section 43 of Act No. VI of 1844, shall be held to be repealed and of no effect.

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ACT No. XXXV OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 5th September 1867.)

An Act to provide temporary assistance to the Financial Commissioner of the Panjab.

Preamble.

WHEREAS, owing to the state of business in the Court of the Financial Commissioner of the Panjáb, it is expedient to give him some temporary assistance in the disposal of appeals now pending before him, or which, within such time as hereinafter mentioned, shall be presented in his Court; It is hereby enacted as follows:—

Power to appoint Additional Financial Commissioner.

1. The Lieutenant-Governor of the Panjáb may, with the previous sanction of the Governor General of India in Council, appoint an Officer to be styled the Additional Financial Commissioner of the Panjáb, who shall hold his office during the pleasure of the said Lieutenant-Governor.

Financial Commissioner may prepare and send list of cases for transfer.

2. The said Financial Commissioner may, from time to time so long as this Act shall remain in force, cause a list of the appeals which he may wish to be transferred from his Court to the Court of the said Additional Financial Commissioner, to be prepared and sent to the said Lieutenant-Governor; and such Lieutenant-Governor may, if he think fit, order all or any of such appeals to be transferred accordingly.

3. The

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3. The procedure of the Additional Financial Commissioner in appeals so transferred, shall be regulated by the rules relating to Civil Procedure for the time being in force in the Panjáb, and his orders on such appeals shall have the same effect to all intents and purposes as if they had been made by the said Financial Commissioner.

Procedure in Court of Additional Financial Commissioner.

Effect of his orders.

4. The Additional Financial Commissioner shall hold his sittings at such place in the Panjáb as the Lieutenant-Governor shall from time to time appoint.

Place of holding sittings.

5. This Act shall come into operation on the first day of October 1867, and shall rmen in force until the first day of April 1868, or until such subsequent day (if any) as the Governor General of India in Council shall notify in the *Gazette of India*: Provided that as to such appeals (if any) as shall, on or before the said first day of April, or the day so notified, as the case may be, have been transferred under the provisions herein contained, and shall not have been disposed of by the Additional Financial Commissioner, this Act shall remain in force until such appeals shall have been disposed of as aforesaid.

Continuance of Act.

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ACT No. XXXVI OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 5th September* 1867.)

An Act to correct an error in Act No. XVII of 1862.

Preamble.

WHEREAS Act No. XVII of 1862 (*An Act to repeal certain Regulations and Acts relating to Criminal Law and Procedure*) repeals by its schedule the whole Madras Regulation XI, 1816 (*A Regulation for the establishment of a general system of Police throughout the territories subject to the Government of Fort St. George*), "except Sections VIII, IX, X, XII, XIII, XIV, and XLVII;" and whereas the said section number "XII" is an error, and it is expedient to correct the same; It is hereby enacted as follows :—

1. The Schedule to the said Act shall be read as if for the words and figures hereinbefore cited, the following were substituted (that is to say), "except Section VIII, IX, X, XI, Clause 1. XIII, XIV, XLVII."

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ACT No. XXXVII OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor-General on the 3rd October* 1867.)

An Act for transferring appeals from the Court of the Financial, to the Court of the Judicial, Commissioner of Oudh, and for other purposes.

Preamble.

WHEREAS it is expedient to enable appeals to be transferred from time to time from the Court of the Financial Commissioner of Oudh to the Court of the Judicial Commissioner of that Province; and whereas it is also expedient to provide for the decision of certain questions arising before either of such Commissioners by a Court composed of both of them; It is hereby enacted as follows :—

I.—*Transfer of appeals by Financial Commissioner.*

Financial Commissioner may prepare and send list of appeals for transfer

1. Whenever the state of business in the Court of the Financial Commissioner of Oudh is such that he cannot dispose of the same with reasonable despatch, he may cause a list of the appeals, whether regular or special, which he may wish to transfer for decision to the Court of the Judicial Commissioner of Oudh, to be prepared and sent to the Chief Commissioner of Oudh, and such Chief Commissioner may, if he think fit, order all or any of such appeals to be transferred accordingly.

Procedure of Judicial Commissioner in cases transferred.

2. In all appeals so transferred, the said Judicial Commissioner shall proceed as if they had been originally presented in his Court; and his orders thereon shall have the same effect to all intents and purposes as if they had been made by the said Financial Commissioner.

II.—*Appeals*

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II.—*Appeals before Financial and Judicial Commissioners.*

Hearing before Financial and Judicial Commissioners sitting together.

3. Whenever any appeal, whether regular or special, shall have come before the said Financial Commissioner or the said Judicial Commissioner, if the Commissioner before whom such appeal shall have come desires to obtain the opinion of the other Commissioner on any question of fact or of law arising on such appeal, he may record a Memorandum to that effect, and on receipt of a copy of such Memorandum, the other Commissioner shall sit, as soon as may be practicable, with the Commissioner recording the Memorandum, in the Court of such Commissioner, and assist in disposing of the said question, subject to the provisions hereinafter contained.

Reference to High Court.

Provision for difference of opinion

4. In case there shall be a difference of opinion between the two Commissioners, the following course shall be pursued (that is to say) :—

(1.)—If the difference of opinion be on any question of fact in the finding of the Lower Court, the finding shall be upheld ;

(2.)—If the difference of opinion be on a point of law or of usage having the force of law, the ruling of the Lower Court shall be upheld, unless one of the Commissioners shall be of opinion that the point should be referred to the High Court of Judicature of the North-Western Provinces of the Presidency of Bengal, in which case the Commissioners shall state the point as to which they differ, and forward the statement with their respective opinions thereon to such High Court.

Decree contingent on result of reference to High Court, North Western Provinces

5. The Commissioners may proceed in the case notwithstanding such reference, and may pass a decree contingent on the opinion of the High Court on the point referred; but no execution shall be issued in any case in which a reference shall have been made, until the receipt of such opinion.

Referred cases to be heard by three Judges

6. Cases referred under this Act shall be heard by three Judges of the said High Court, and shall be determined according to the opinion of the majority of such Judges.

Appearance of parties on reference.

7. The parties to such cases may appear, plead, and act in the said High Court in person or by an Advocate or Vakil of such High Court ; and the High Court, when it shall have heard and considered the case, shall transmit a copy of its opinion, under the seal of the Court and the signature of the proper officer, to the Commissioners making the reference.

8. Costs

Costs of reference.

8. Costs if any, consequent on such reference, shall be costs in the suit.

III.—*Points arising in Criminal Cases.*

Decision of points arising in criminal cases before Judicial Commissioner.

9. Whenever any appeal shall have been presented to the said Judicial Commissioner under the Code of Criminal Procedure;

Or whenever any sentence of death shall have been referred to him for confirmation;

Or whenever any case shall have come before him as a Court of Revision;

If he desires to obtain the opinion of the said Financial Commissioner on any question of fact or of law arising on such appeal, reference, or case,

The provisions contained in Sections three, four, five, six, and seven of this Act shall, *mutatis mutandis*, apply:

Provided that if there be a difference of opinion on any question of fact, the case may, but if the difference involve the confirmation, commutation or reversal of a sentence of death or of transportation the case shall, be referred in manner aforesaid to the said High Court.

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